

**COMMENT DUE DATE: February 16, 2021**

**Date: January 15, 2021**

**Tammy Hall, CSS, Programs Manager 405-522-0022**  
**Nancy Kelly, Policy Specialist, Legal Services – Policy 405-522-6703**  
**Dena Thayer, Programs Administrator, Legal Services - Policy 405-693-6542**

It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to \*STO.LegalServices.Policy@okdhs.org. The proposed amendment is **permanent**.

**SUBJECT: CHAPTER 25. CHILD SUPPORT SERVICES**

Subchapter 1. Scope and Applicability

340:25-1-1.1 [AMENDED]

Subchapter 3. Commissioned Peace Officers

340:25-3-3 [AMENDED]

Subchapter 5. Operational Policies

Part 15. Case Initiation, Case Management, and Case Closure

340:25-5-114 [AMENDED]

340:25-5-117 through 340:25-5-118 [AMENDED]

340:25-5-123 through 340:25-5-124 [AMENDED]

340:25-5-124.3 [AMENDED]

Part 17. Past Support

340:25-5-140.1 [AMENDED]

Part 20. Medical Support

340:25-5-169 [AMENDED]

Part 21. Establishment

340:25-5-179.1 [AMENDED]

Part 23. Enforcement

340:25-5-200 [AMENDED]

Part 37. Recovery

340:25-5-305 [AMENDED]

**(WF 21-25)**

**SUMMARY:**

The proposed amendments to Chapter 25 Subchapters 1, 3, and 5 amend the rules to: (1) implement rule changes recommended during the annual Child Support Services (CSS) policy review process; (2) amend legal authorities as necessary; (3) conserve CSS funding by eliminating non-essential program services and implementing a service fee when child support is distributed to the custodial person; and (4) make non-substantive changes to improve rule clarity.

**PERMANENT APPROVAL:** Permanent rulemaking is requested.

**LEGAL AUTHORITY:** 28 U.S.C. § 1738B; 42 U.S.C. § 1396k; Chapter 7, Subchapter IV, Part D; 50A U.S.C. §§ 501 through 596; Chapter III of Subtitle B of Title 45 of the Code of Federal Regulations; 45 C.F.R. § 303.11; Director of Human Services, Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 3A O.S. § 724.1; 10 O.S. §§ 80, 83, 90.5, 7700-101 through 7800; 12 O.S. §§ 1170, 1171.2 through 1171.4, 2004, and 2005; 21 O.S. §§ 566, 566.1, 567, and 852; 36 O.S. § 6058A; 43 O.S. §§ 109.2 through 110, 112, 112A, 112.1A, 114 through 120, 135 through 139.1, 140, 410 through 413, 601-100 through 601-903; 47 O.S. §§ 1-153, 6-201, 6-201.1, 6-211, and 6-212; 56 O.S. §§ 166.1, 183, 230.60, and 231 through 240.24; 63 O.S. §§ 1-311, 1-311.2, 1-311.3, and 1-321; 68 O.S. § 205.2; and 70 O.S. §§ 3970.1 through 3970.12. Executive Order 13563: Improving Regulation and Regulatory Review.

## Rule Impact Statement

**To:** Programs Administrator  
Office of Intergovernmental Relations and Policy

**From:** Renee Banks, Director  
Child Support Services

**Date:** December 18, 2020

**Re:** **CHAPTER 25. CHILD SUPPORT SERVICES**  
Subchapter 1. Scope and Applicability  
340:25-1-1.1 [AMENDED]  
Subchapter 3. Commissioned Peace Officers  
340:25-3-3 [AMENDED]  
Subchapter 5. Operational Policies  
Part 15. Case Initiation, Case Management, and Case Closure  
340:25-5-114 [AMENDED]  
340:25-5-117 through 340:25-5-118 [AMENDED]  
340:25-5-123 through 340:25-5-124 [AMENDED]  
340:25-5-124.3 [AMENDED]  
Part 17. Past Support  
340:25-5-140.1 [AMENDED]  
Part 20. Medical Support  
340:25-5-169 [AMENDED]  
Part 21. Establishment  
340:25-5-179.1 [AMENDED]  
Part 23. Enforcement  
340:25-5-200 [AMENDED]  
Part 37. Recovery  
340:25-5-305 [AMENDED]  
**(WF 21-25)**

**Contact:** Tammy Hall, Programs Manager, 405-522-0022

### **A. Brief description of the purpose of the proposed rule.**

#### **Purpose:**

The proposed amendments to Chapter 25 Subchapters 1, 3, and 5 amend the rules to: (1) implement rule changes recommended during the annual Child Support Services (CSS) policy review process; (2) amend legal authorities as necessary; (3) conserve CSS funding by eliminating non-essential program services and implementing a service fee when child support is distributed to the custodial person; and (4) make non-substantive changes to improve rule clarity.

#### **Strategic Plan Impact.**

The proposed amendments support Oklahoma Human Services (OKDHS) goals of helping Oklahomans lead safer, healthier, more independent and productive lives; keeping our workforce informed, supported, and engaged; meeting the needs of vulnerable Oklahomans; and cultivating a culture of continuous improvement. The proposed amendments support the CSS strategic plan by providing customers access to tools and resources to achieve and maintain healthy families, prioritizing the CSS ability to provide core services to customers, and clarifying how CSS provides services to customers.

**Substantive changes.**

Subchapter 1. Scope and Applicability

Oklahoma Administrative Code (OAC) 340:25-1-1.1 is amended to add a definition.

Subchapter 3. Commissioned Peace Officers

OAC 340:25-3-3 is amended to add subsequent electronic service process.

Subchapter 5. Operational Policies

Part 15. Case Initiation, Case Management, and Case Closure

OAC 340:25-5-114 is amended to: (1) remove references to irrelevant rules; and (2) define noncooperation as when the custodial person (CP) fails to participate in a scheduled CSS conference or meeting.

OAC 340:25-5-117 is amended to: (1) remove references pertaining to obsolete child care subsidy referrals; (2) add that CSS initiates a case when a non-custodial parent (NCP) assigns medical support rights; per Section 1396k of Title 42 of the United States Code (42 U.S.C. § 1396k); and (3) remove language that could put the CP or children at risk when an NCP submits an application for services in a case previously closed for good cause.

OAC 340:25-5-118 is amended to remove references to child care subsidy.

OAC 340:25-5-123 is amended to: (1) remove references to child care subsidy; and (2) add language to include a combination of Supplemental Security Income (SSI) and Supplemental Security Disability Income (SSDI) for the when, a case may be closed per Section 303.11 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 303.11).

OAC 340:25-5-124 is amended to: (1) clarify case assignment when there is both an Oklahoma order and an intergovernmental order, per Sections 601-601 through 601-314 of Title 43 of the Oklahoma Statutes (43 O.S. §§ 601-601 through 601-614); and (2) clarify case assignment, per OAC 340:25-5-185.1, when there is an existing Oklahoma Administrative Hearing (OAH) order that was not docketed.

OAC 340:25-5-124.3 is amended to clarify case assignment in deprived actions.

Part 17. Past Support

OAC 340:25-5-140.1 is amended to add that interest accrues on child care costs, or accrued fixed medical from the first day of the month after the judgment is entered, pursuant to 43 O.S. § 114.

Part 20. Medical Support

OAC 340:25-5-169 is amended to remove references to child care subsidy.

Part 21. Establishment

OAC 340:25-5-179.1 is amended to: (1) clarify that CSS establishes support for a prior period when child support is initially established; and (2) remove redundant language provided in OAC 340:25-5-178.

Part 23. Enforcement

OAC 340:25-5-200 is amended to: (1) correct a citation; and (2) remove reference to state law revoked by the passage of House Bill (HB) 1276.

Part 37. Recovery

OAC 340:25-5-305 is amended to: (1) advise that prior to disbursing an overpayment, CSS conducts a case review; and (2) add language stating CSS does not create an overpayment when cash medical support was distributed to a CP and the Oklahoma Health Care Authority retroactively certifies medical assistance.

**Reasons.**

Chapter 25, Subchapter 1: The proposed amendments add to the definitions.

Chapter 25, Subchapter 3: The proposed amendment adds a subsequent electronic service process.

Chapter 25, Subchapter 5: The proposed amendments: (1) amend rules to provide improved customer service; (2) provide additional clarification regarding CSS processes to the public; (3) provide additional guidance regarding internal CSS business processes to staff; and (4) clarify language and legal citations.

**Repercussions.**

Chapter 25, Subchapter 1: The proposed amendments are designed to provide clear and concise information for customers and staff to ensure consistency in policy interpretation.

Chapter 25, Subchapter 3. The proposed amendment is designed to provide the process needed for effective electronic service of process

Chapter 25, Subchapter 5: The proposed amendments are designed to contribute to the health, safety, and wellbeing of children entitled to support and promote healthy families by: (1) increasing program efficiency; (2) improving customer service; and (3) providing clear and accurate guidance to staff to ensure consistency in rule application.

**Legal authority.**

28 U.S.C. § 1738B; 42 U.S.C. § 1396k; Chapter 7, Subchapter IV, Part D; 50A U.S.C. §§ 501 through 596; Chapter III of Subtitle B of Title 45 of the Code of Federal Regulations; 45 C.F.R. § 303.11; Director of Human Services, Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); 3A O.S. § 724.1; 10 O.S. §§ 80, 83, 90.5, 7700-101 through 7800; 12 O.S. §§ 1170, 1171.2 through 1171.4, 2004, and 2005; 21 O.S. §§ 566, 566.1, 567, and 852; 36 O.S. § 6058A; 43 O.S. §§ 109.2 through 110, 112, 112A, 112.1A, 114 through 120, 135 through 139.1, 140, 410 through 413, 601-100 through 601-903; 47 O.S. §§ 1-153, 6-201, 6-201.1, 6-211, and 6-212; 56 O.S. §§ 166.1, 183, 230.60, and 231 through 240.24; 63 O.S. §§ 1-311, 1-311.2, 1-311.3, and 1-321; 68 O.S. § 205.2; and 70 O.S. §§ 3970.1 through 3970.12. Executive Order 13563: Improving Regulation and Regulatory Review.

**Permanent rulemaking approval is requested.**

**B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons most likely to be affected by the proposed amendments are children entitled to support, NCPs who owe child support, CPs who are owed child support, CSS staff, CP's private attorneys and courts. Most affected classes of persons will bear no costs associated with implementation of the amendments.

**C. A description of the classes of persons who will benefit from the proposed rule:** The classes of persons who will benefit are children, NCPs, CPs, CSS staff, employers, courts, and taxpayers.

**D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** The proposed amendments facilitate efficient use of program funds and reduce expenditures by eliminating non-essential services. There are no fee changes with these rule changes.

**E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** The probable cost to OKDHS includes the cost of printing and distributing the rules and training materials estimated to be under \$100 and is within the current budget and requires no additional funding. These amendments do not increase any agency's duties or need for additional full-time employees.

**F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments do not have an economic impact on any political subdivision, nor will the cooperation of any political subdivisions be required in implementation or enforcement of the rules.

**G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** There are no anticipated adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

**H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** These proposed amendments are intended to minimize compliance costs and

intrusive regulations while fully complying with state and federal mandates. There are no less costly or intrusive methods to achieve full compliance.

- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** These proposed amendments are intended to comply with state and federal child support mandates, increase program effectiveness, protect the CSS ability to deliver services, and improve services delivered to families, thereby contributing to the health, safety, and wellbeing of children entitled to support.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** Failure to adopt these amendments could cause hardships on families by negatively impacting the services CSS provides and result in unnecessary expenditures of public funds to provide support for children that could otherwise be provided by noncustodial parents.
- K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared: December 18, 2020.

## SUBCHAPTER 1. SCOPE AND APPLICABILITY

### 340:25-1-1.1. Definitions

Revised ~~09-16-199~~ 15-21

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

**"Address of record" or "AOR"** means an address for a party or a custodial person (CP) in the Central Case Registry of Child Support Services (CSS) used for service of process in support, custody, and visitation actions. An AOR may be different from the party's or CP's physical address.

**"Alleged father"** means *a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined* per Section 7700-102 of Title 10 of the Oklahoma Statutes (10 O.S. § 7700-102).

**"Alternative health coverage"** means health care services other than health insurance including, but not limited to, Indian Health Services (IHS) or Defense Eligibility Enrollment Reporting System (DEERS) available to either parent under which medical services could be provided to the dependent child(ren).

**"Annual notice"** means the yearly notice provided for in 56 O.S. § 237A to notify the noncustodial parent (NCP) and CP of the amount due, actions that may be taken to enforce the child support obligation, actions required of the NCP and CP, and other related information and instructions.

**"Applicant"** means the individual who requested child support services or was referred by another agency or program for child support services.

**"Arrears," "arrearage," or "past-due support"** means the total amount of unpaid support obligations accrued under a support order. Refer to "delinquency" in this Section.

**"Assignment"** means any transfer of rights to support to the State of Oklahoma under Sections 608 and 671 of Title 42 of the United States Code (42 U.S.C. §§ 608 and 671) or any transfer of rights to medical support and to payment of medical care from any third party under Section 433.146 of Title 42 of the Code of Federal Regulations (42 C.F.R. § 433.146).

**"Authorized representative"** means a person designated by a CP, NCP, or biological parent, per Oklahoma Administrative Code (OAC) 340:25-1-3.1.

**"Biological parent"** means the natural parent of a child.

**"Case"** means the relationship of a particular group of people bound by legal rights and duties for the support of a child(ren) who is receiving or received child support services and all of the records and actions associated with the group.

**"Cash medical support"** means *an amount ordered to be paid toward the cost of health coverage provided by a public entity or by a person other than the parents through employment or otherwise*, per 43 O.S. § 118F.

**"Central Case Registry" or "CCR"** means Oklahoma's repository for Part D of Subchapter IV of Chapter 7 of Title 42 of the United States Code (Title IV-D) cases and child support orders established or modified in Oklahoma after October 1, 1998. It includes, but is not limited to, information required to be transmitted to the Federal Case Registry, per 42 U.S.C. § 654a. CSS maintains the CCR, per 43 O.S. § 112A.



**"Centralized Support Registry"** means a repository maintained by CSS to receive, allocate, and distribute support payments, including child support, spousal support when paid in conjunction with child support, and related support payments, per 43 O.S. § 413. It serves as Oklahoma's State Disbursement Unit, per 42 U.S.C. § 654b. The Centralized Support Registry processes payments, per 43 O.S. § 413:

(A) *in all cases in which child support services are being provided under the state child support plan as provided under Section 237 of Title 56 of the Oklahoma Statutes* until all monies owed for child support are no longer owed;

(B) *in all other cases in which support is being paid by income withholding*; and

(C) when a court orders payments to be made through the Centralized Support Registry.

**"Child support order"** means an obligation addressing monetary support, cash medical support, medical support for the child(ren), and support arrearage and arrearage payments, when any.

**"CSED"** means Oklahoma Department of Human Services (OKDHS) Child Support Services and was replaced by Child Support Services.

**"CSS"** means Child Support Services. CSS includes a central state office, district offices, and other offices that may be administered through contract or cooperative agreements with district attorneys, community action program agencies, and others. CSS includes all of these offices, employees, and agents. CSS was formerly known as CSED and Oklahoma Child Support Services (OCSS).

**"Current child support"** means the base child support obligation and the proportional share of health insurance costs, fixed medical costs, transportation expenses, and annualized child care costs. Current child support does not include cash medical support.

**"Custodial person," "custodian," or "CP"** means the person who has primary physical custody of the child(ren).

**"Delinquency"** means *any payment under an order for support which becomes due and remains unpaid*, per 12 O.S. §1170 and 56 O.S. § 237.7.

**"DHS"** means the Oklahoma Department of Human Services (OKDHS), formerly also known as OKDHS, DHS which is the state agency designated to administer the State of Oklahoma child support program for the State of Oklahoma.

**"District office"** means a child support services office operated by DHS OKDHS or through contract or agreement with DHS OKDHS to serve a specific area of the state.

**"Family violence"** means domestic abuse or child abuse, including physical or emotional harm.

**"Fixed medical"** means fixed periodic payments for ongoing medical costs not paid or reimbursed by insurance, or included in a cash medical support order.

**"Full-service case"** means a child support case for which CSS provides all appropriate Title IV-D services, per OAC 340:25-1-1.2.

**"Health insurance"** means insurance coverage that provides routine and major medical expenses including, but not limited to: preventive care, office visits, hospitalization, and medication coverage that may be provided through a fee for service, health maintenance organization, preferred provider organization, or other private or public organization, other than SoonerCare (Medicaid).

**"High-volume administrative enforcement cases in interstate actions"** means

on request of another state, the identification by a state, through automated data matches with financial institutions and other entities where assets may be found, of assets owned by persons who owe child support in other states, and the seizure of such assets by the state through levy or other appropriate processes, per 42 U.S.C. § 666.

**"Income assignment"** means an assignment, by operation of law or by court or administrative order of a portion of the monies, income, or periodic earnings due and owing by the NCP to the person entitled to the support or to another person designated by the support order or assignment, per 12 O.S. § 1170 and 56 O.S. § 237.7. An income assignment may be for payment of current support, arrearages, or both. The terms "income assignment" and "income withholding" may be used interchangeably.

**"Intergovernmental"** means a case referred by an initiating agency to a responding agency for services when the dependent child(ren) and the NCP lives or works in different jurisdictions.

**"Interstate case"** means a case in which at least one party resides in another state or country or a support order was entered in another state or country.

**"Intrastate case"** means a case existing or occurring within the boundaries of a single state.

**"IV-A"** means Title IV, Part A, of the Social Security Act, codified in 42 U.S.C. Part A of Subchapter IV of Chapter 7, covering the federal-state Temporary Assistance for Needy Families (TANF) Program.

**"IV-B"** means Title IV, Part B, of the Social Security Act, codified in 42 U.S.C. Part B of Subchapter IV of Chapter 7, covering child welfare services.

**"IV-D"** means Title IV, Part D, of the Social Security Act, codified in 42 U.S.C. Part D of Subchapter IV of Chapter 7, generally relating to child support.

**"IV-D case"** means a child support case receiving Title IV-D services.

**"IV-D programs and services"** means programs and services under Title IV, Part D, of the Social Security Act, codified in 42 U.S.C. Part D of Subchapter IV of Chapter 7.

**"IV-E"** means Title IV, Part E, of the Social Security Act, codified in 42 U.S.C. Part E of Subchapter IV of Chapter 7, covering foster care.

**"IV-E foster care"** means federal and state funded placement of a child(ren) removed from a home whose family members meet the eligibility criteria for federal participation for Title IV-E foster care.

**"Medicaid"** means medical assistance provided under a state plan approved under Title XIX of the Social Security Act, codified in 42 U.S.C. Subchapter XIX of Chapter 7 including SoonerCare, State Children's Health Insurance Program (S-CHIP), and Insure Oklahoma. In Oklahoma, the Oklahoma Health Care Authority (OHCA) provides Medicaid services for eligible adults and children.

**"Medical enforcement only case" or "MEO case"** means a child support case for which CSS provides only Title IV-D services related to securing and enforcing medical support to non-TANF SoonerCare (Medicaid) recipients.

**"Medical support"** means health insurance, alternative health coverage, cash medical support, or a combination of these for the benefit of a minor child(ren).

**"Member of military service" or "servicemember"** means any member of the uniformed service on active duty including the Army, Navy, Air Force, Marine Corps, and Coast Guard. Also included are members of the National Guard called to active service, certain members of the Public Health Service, National Oceanic and

Atmospheric Administration, Reserves when ordered to report for active military duty, and United States citizens serving with the military of other countries when that service is similar to military service, per 50 U.S.C. §§ 3911, 3914, and 3917. A servicemember may be an NCP or a CP.

**"Non-cash support"** means support given to a family in the nature of goods or services that can be assigned a specific dollar value in lieu of monetary payment.

**"Noncustodial parent"** or **"NCP"** means a parent who does not have primary physical custody of the child(ren).

**"Non-IV-D case"** means a private child support case not receiving Title IV-D services.

**"Non-IV-E foster care"** means state funded placement of a child(ren) removed from a home where the child(ren) does not meet federal Title IV-E participation requirements.

**"Non-TANF SoonerCare (Medicaid)"** means a case in which a parent or CP receives Title XIX Medicaid services for the minor child(ren).

**"Notice of Income Assignment"** means the tool used to affect the income withholding process. This document is used to notify employers and other withholders to deduct child support payments from an NCP's income and to send the payments to Oklahoma's Centralized Support Registry for distribution. The terms "income withholding" and "income assignment" may be used interchangeably.

**"OAH"** means the DHS OKDHS Legal Office of Administrative Hearings: Child Support (OAH) that employs and assigns administrative law judges to conduct child support administrative hearings.

**"Obligee"** or **"person entitled"** per 56 O.S. § 237.7 means:

(A) *a person to whom a support debt or support obligation is owed;*

(B) *the Department of Human Services or a public agency of another state that has the right to receive current or accrued support payments or that is providing support enforcement services; or*

(C) *a person designated in a support order or as otherwise specified by the court.*

**"Obligor"** means the person who is required to make payments under an order for support, per 12 O.S. § 1170 and 56 O.S. § 237.7.

**"OCSS"** means CSS.

**"Offset"** means an amount of money intercepted from an NCP's state or federal tax refund or from an administrative payment, such as federal retirement benefits to satisfy a child support debt.

**"OKDHS"** means DHS Oklahoma Human Services. OKDHS is the state agency designated to administer the child support program for the State of Oklahoma.

**"Oklahoma Health Care Authority (OHCA)"** means the Oklahoma agency that administers the Medicaid and SoonerCare programs for adults and children who meet eligibility requirements. OHCA operates under the authority of Title XIX of the Social Security Act and 63 O.S. §§ 5003 et seq.

**"Overpayment"** means a CSS payment to a CP, NCP, or other entity to which the entity or person is not entitled.

**"Participant in a case"** means a child, parent, alleged father, or CP associated with a child support services case.

**"Past support"** means past-due support or support for a prior period. Refer to "arrears" in this Section.

**"Payment plan"** includes, but is not limited to, a plan approved by the court or the support enforcement entity that provides sufficient security to ensure compliance with a support order, incorporates voluntary or involuntary income assignment, or a similar plan for periodic payment of past-due support and, when applicable, current and future support, per 43 O.S. § 139.1 and 56 O.S. § 237.7. A payment plan is intended to incrementally reduce arrears.

**"Payor"** means *any person or entity paying monies, income, or earnings to an obligor. In the case of a self-employed person, the "payor" and "obligor" may be the same person,* per 12 O.S. § 1170 and 56 O.S. § 237.7.

**"Presumed father"** means *a man who, by operation of law,* per 10 O.S. § 7700-204, *is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.*

**"Record"** means a written document or image stored in electronic or physical form.

**"Social Security Act"** means Public Law 74-271, codified in 42 U.S.C. Chapter 7 that established the Title IV-D program and other social services programs.

**"State's attorney"** means a lawyer employed in the child support program to represent the state in rendering services, per the Social Security Act, codified in Title 42 U.S.C. Part D of Subchapter IV of Chapter 7.

**"Support"** per 56 O.S. § 237.7, means all payments or other obligations due and owing to the CP or person entitled by the NCP under a support order, and may include, but is not limited to, child support, medical insurance or other health benefit plan premiums or payments, child care obligations, support alimony payments, and other obligations as specified in 43 O.S. §§ 118A through 119 of Title 43.

**"Support for a prior period"** means the amount of child support ordered under the child support guidelines in 43 O.S. §§ 118 through 119 in paternity orders and in TANF notice of support debt orders for past months when no child support order was in effect.

**"Support order"** per 43 O.S. § 601-101, means *a judgment, decree, order or directive, whether temporary, final, or subject to modification, issued by a tribunal for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.*

**"TANF"** means Temporary Assistance for Needy Families. TANF replaces Aid to Families with Dependent Children (AFDC).

**"Tribunal"** per 43 O.S. § 601-101, means a court or administrative agency authorized to establish, enforce, modify support orders, or determine parentage.

**"UIFSA"** means the Uniform Interstate Family Support Act. In Oklahoma, UIFSA is codified at 43 O.S. §§ 601-100 through 601-903.

**"Unreimbursed public assistance"** means money paid as cash assistance from Title IV-A and Title IV-E programs that has not been recovered.

**"UPA"** means the Uniform Parentage Act. In Oklahoma, UPA is codified in 10 O.S. §§ 7700-101 through 7700-902.

### **340:25-1-2.1. Location for information [ITS ONLY]**

(a) **Mailing address.** The Oklahoma Child Support Services (OCSS) state office mailing address is: Oklahoma Child Support Services, Capitol Station Box 248822, Oklahoma City, Oklahoma 73124-8822.

(b) **OCSS telephone information.** District child support office addresses throughout Oklahoma and other information may be requested by telephoning 405-522-2273 in the Oklahoma City calling area, 918-295-3500 in the Tulsa calling area, or toll-free at 1-800-522-2922. The Relay Oklahoma Teletypewriter (TTY) number for the hearing impaired is 711, or 1-800-722-0353 toll-free. ■ 1

(c) **Interpreter services.** The Oklahoma Department of Human Services (OKDHS) provides at no cost, oral or sign language or foreign language interpretation services. ■ 2

(d) **Oklahoma Employer Services Center.** The Oklahoma Employer Services Center (OKESC) processes incoming employer questionnaires regarding employment verification and insurance availability, and answers employer questions regarding new hire reporting, income withholding, and medical support. Employer and insurance plan administrator inquiries regarding child support cases may be made by telephoning 405-325-9190 in the Oklahoma City calling area, or toll-free at 1-866-553-2368. The OKESC fax number is 405 325-8210 and the mailing address is: Oklahoma Employer Services Center, PO Box 248805, Oklahoma City, Oklahoma 73124-8805.

(e) **Internet access.** Information about OCSS is available from the OCSS Internet page at <http://www.okdhs.org>.

(1) A customer who has an active child support case(s) and OKDHS customer identification number may use the Internet to access information about the customer's case(s).

(2) A customer may contact OCSS as described in this Section to request a child support customer personal identification number (PIN) and instructions for accessing case information on the Internet.

## **INSTRUCTIONS TO STAFF 340:25-1-2.1**

### **Revised 07-01-139-15-21**

- 1. Oklahoma Human Services (OKDHS), Child Support Services (OCSS) (CSS) staff in the Oklahoma City and Tulsa calling areas includes local telephone phone numbers on brochures, legal pleadings, court orders, and correspondence to encourage customers to use the local numbers. OCSS CSS staff encourages customers in the Oklahoma City calling area to use 405-522-2273, customers in the Tulsa area to use 918-295-3500, and customers outside of the Oklahoma City and Tulsa calling areas to use the toll-free telephone phone number 1-800-522-2922. Hearing impaired customers may use the Relay Oklahoma Teletypewriter (TTY) numbers 711 or 800-722-0353.**
- 2. OCSS CSS staff contacts the ~~Oklahoma Department of Human Services (OKDHS) Office for Civil Rights~~ for the current contact for hearing impaired interpretation services, per OAC Oklahoma Administrative Code 340:1-11-10. Information regarding foreign language interpretation services is obtained by contacting the ~~OCSS Center for Communication and Community Relations Center for Communication and Community Relations~~ CSS Center for Business Excellence and Customer Service.**

## **340:25-1-1.2. Structure and services [ITS Only]**

(a) **Structure.**

(1) Under Part A of Subchapter IV of Chapter 7 of Title 42 of the United States Code, every state must designate a single state agency to administer a statewide plan for child support services. The Oklahoma Department of Human Services is the designated agency in Oklahoma. Oklahoma Child Support Services (CSS) administers the plan.

(2) CSS provides services through a state office and offices throughout the state that may be administered through service agreements or contracts with district attorneys and other entities, such as Community Action Program agencies to provide legal child support services.

(3) The primary function of CSS is to provide child support services in all Title IV-A Temporary Assistance for Needy Families (TANF), Title IV-E foster care, and non-TANF SoonerCare (Medicaid) cases where eligibility is due to the absence of one or both parents, and in other cases for persons who have applied for services. CSS also provides these services in cases forwarded by:

(A) Title IV-D agencies of other states;

(B) Native American tribes; and

(C) foreign jurisdictions, as appropriate.

(4) CSS is committed to the right of all parties to have access to the justice system for the purpose of enhancing understanding and ownership of the case. In addition to the child support services provided by CSS as described in this Chapter, when parties want to be heard on child support issues, regardless of whether the party's positions are contrary to the state's position and may be subject to legal defenses. CSS:

(A) provides available pro se self-help forms to request a hearing before either the Office of Administrative Hearings: Child Support (OAH) under Oklahoma Administrative Code (OAC) 340:2-28-17.2 or the district court. OAH or the district court determine whether a hearing is granted;

(B) assists pro se customers in completing available CSS self-help forms upon request; and ■ 1

(C) refers parties to community resources including, but not limited to:

(i) lawyer referral services;

(ii) community legal services;

(iii) other available self-help legal forms; and

(iv) other available informational and community resource materials.

(5) CSS complies with the standards for an effective program and the organization and staffing requirements, per Part 303 of Title 45 of the Code of Federal Regulations (45 C.F.R. Part 303). ■ 2

(b) **Services.** CSS services include, but are not limited to:

(1) establishment of paternity, child support obligations, ongoing medical support, and ongoing child care obligations through administrative and court actions;

(2) enforcement of:

(A) child support;

(B) health insurance;

(C) fixed sums and judgments for medical support including birthing costs;

(D) fixed ongoing child care costs and judgments for child care costs; and

- (E) certain spousal support obligations when due in conjunction with child support; ■ 2 through 5
  - (3) location of noncustodial parents and their assets by establishing intrastate and interstate links with local, state, and federal agencies, private sources, and international central authorities;
  - (4) case reviews for modification of support orders as appropriate; ■ 2
  - (5) collection and distribution of support payments in accordance with federal and state law; and
  - (6) establishment and maintenance of accounting and other records in accordance with federal and state law.
- (c) **Excluded services.** CSS services do not include:
- (1) establishment or modification of spousal support, visitation, or custody;
  - (2) establishment of judgment for unreimbursed medical expenses or child care costs that are not included in the fixed monthly child support obligation; ■ 3
  - (3) enforcement of alimony in lieu of property division; and
  - (4) enforcement or collection of private attorney fee judgments.
- (d) **Intergovernmental limited services.** CSS provides limited services only at the request of an initiating interstate Title IV-D agency or an international central authority, per Sections 601-101 through 901 of Title 43 of the Oklahoma Statutes and 45 C.F.R. § 303.7. CSS provides limited services, when appropriate, even when the noncustodial parent or custodial person does not reside in Oklahoma. Requests for limited services not listed in 45 C.F.R. 303.7 must be approved by the CSS director or his or her appointed designee. ■ 6

## **INSTRUCTIONS TO STAFF 340:25-1-1.2**

### **Revised 09-16-199-15-21**

1. (a) ~~Oklahoma Department of Human Services~~ **Oklahoma Department of Human Services Child Support Services (CSS) staff provides whatever assistance is necessary for customers to complete CSS self-help forms including, but not limited to:**
  - (1) reading the forms and instructions to the customer;
  - (2) filling out forms per the customer's directions; and
  - (3) providing information the customer needs to complete the packet.
- (b) **CSS staff does not give legal advice to customers.**
2. **When an intrastate case is opened for review and modification of the child support order, the case is a full-service case.**
3. (a) **CSS does not establish judgments for a noncustodial parent's (NCP) pro rata share of ongoing medical support or child care costs.**
- (b) **CSS collects fixed sum judgments for medical support and child care costs. A fixed sum judgment is a certain amount ordered by the court as the amount due and owing for medical support or child care costs for a specific time period. CSS enforces a fixed sum judgment for medical support and child care costs in the same manner as any other judgment.**
- (c) **Medical support includes the costs of the birth. CSS does not establish a judgment for the costs of the birth. CSS enforces a fixed sum judgment, including interest, for costs incurred by the mother for the child's birth in the same manner as any other judgment.**

(d) In Oklahoma spousal support is referred to as alimony. There are two types of alimony in Oklahoma, periodic support alimony, per Section 134 of Title 43 of the Oklahoma Statutes (43 O.S. § 134); and alimony in lieu of property division, per to 43 O.S. § 121. CSS is authorized to enforce periodic support alimony, but not alimony in lieu of property division.

4. When a lump sum judgment does not specify the type, principal, and interest, CSS requests the parties provide a clarifying order. CSS does not build or enforce the judgment until the clarifying order is received.
5. CSS does not collect ongoing child care costs that are ordered as a pro rata share of an unspecified child care cost.
6. (a) Intergovernmental limited services include:
  - (1) locate;
  - (2) service of process;
  - (3) coordination of genetic testing;
  - (4) automated enforcement of interstate cases;
  - (5) enforcement of a child support order when an NCP's assets may be found in Oklahoma;
  - (6) modification of a child support order, per Oklahoma Administrative Code 340:25-5-198.1;
  - (7) provision of certified payment records, when Oklahoma once had an enforceable order;
  - (8) assistance with discovery for court proceedings;
  - (9) determination of controlling order;
  - (10) conversion of child support stated in a foreign currency to United States dollars when the conversion is necessary to provide another limited service;
  - (11) resolution of a contest of the validity or enforcement of an Order/Notice to Withhold Income for Child Support; and
  - (12) redirection of payments, amendment of an Order/Notice to Withhold Income for Child Support, when necessary, and provision of certified payment records to the Title IV-D agency in the custodial person's state when parties do not reside in Oklahoma and Oklahoma issued the child support order.
- (b) When limited services are provided to redirect payments or amend an Order/Notice to Withhold Income for Child Support, CSS staff provides copies of the redirection of payments and the amended Order/Notice to Withhold Income for Child Support to the Central Case Registry at PO Box 248843, Oklahoma City, Oklahoma 73124-8843.
- (c) When Oklahoma is requested to provide limited services, CSS suppresses all non-requested actions.

### **SUBCHAPTER 3. COMMISSIONED PEACE OFFICERS**

#### **340:25-3-1. Authority and scope [ITS Only]**

- (a) Section 162.2 of Title 56 of the Oklahoma Statutes authorizes the Director of the Oklahoma Department of Human Services (OKDHS) to appoint and commission peace



officers to conduct investigations and assist in prosecuting court proceedings related to child support. Peace officers of Oklahoma Child Support Services (OCSS) serve civil process and execute, arrest warrants and other court orders in cases in which OKDHS is a party or participant. ■ 1

(b) Peace officers may be authorized to possess and use firearms while performing their official OKDHS duties. Firearms are carried in compliance with applicable state and federal laws. ■ 2

(c) This Subchapter does not apply to peace officers employed by entities under contract or agreement with OCSS.

## **INSTRUCTIONS TO STAFF 340:25-3-1**

### **Revised 07-01-099-15-21**

1. (a) Peace officers must meet all applicable requirements for certification under:

(1) Sections 3311, 3311.4, 3311.5, and 3311.7 of Title 70 of the Oklahoma Statutes; and [~~Section 3311.1 has been renumbered as 19 OS §215.28 and speaks to the creation of a district attorneys council; §3311.2 speaks to polygraph examiners and administrative functions thereof; §3311.3 speaks to the creation of a CLEET petty cash fund; and §3311.6 speaks to the creation of a CLEET training center revolving fund.~~]

(2) applicable rules of the Council on Law Enforcement Education and Training (CLEET).

(b) Peace officers must be certified by CLEET, under OAC per Oklahoma Administrative Code 390:10, to be authorized to carry and use firearms.

(c) Peace officers of ~~Oklahoma Child Support Services (OCSS)~~ must meet applicable continuing law enforcement education requirements, under per OAC 390:25.

(d) Peace officers, while armed, must have their credentials in their possession.

(e) Firearms may be carried by authorized peace officers only when authorized to do so by the OCSS Child Support Services (CSS) director.

(f) Peace officers provide their own firearms. Peace officers, who carry a firearm must annually meet requalification standards with that firearm. Requalification standards are established by CLEET. A certified firearms instructor conducts the requalification process. Failure to meet the requalification standards, for any reason, immediately results in the removal of duties requiring the use of a firearm until the requalification standards are met.

(g) A peace officer may only carry firearms:

(1) approved by the OCSS CSS director; and

(2) with which the officer qualified during the most recent requalification process.

(h) Peace officers may not carry a rifle or shotgun.

(i) Peace officers may only use ammunition supplied by OCSS CSS.

2. Authority for any peace officer to carry firearms may be withdrawn, temporarily or permanently, at any time, at the CSS director's or OKDHS

**Director's sole discretion of the OCSS director or the Oklahoma Department of Human Services Director.**

**340:25-3-3. Service of process**

Revised 09-15-179-15-21

(a) **Authority.** Oklahoma Department of Human Services Child Support Services (CSS) follows the provisions of Section 2004 of Title 12 of the Oklahoma Statutes (12 O.S. § 2004) for service of process. CSS uses the most cost effective and efficient method of service of process depending on what is most appropriate under the facts of the case. ■ 1

(b) **Service by regular mail to address of record (AOR).** Service to the AOR by regular mail may be appropriate when an AOR is on file with the Central Case Registry for a party in the case, per Oklahoma Administrative Code 340:25-5-340. ■ 3 through 5  
Service to the AOR is not appropriate when the:

(1) remedy sought may result in the obligor's incarceration including, but not limited to, indirect civil contempt actions; or

(2) court may require a higher level of notice to the affected party including, but not limited to, actions to determine paternity.

(c) **Service by acknowledgment.** CSS delivers the documents directly to a party and requests the party accepts and acknowledges service, as appropriate. The Acknowledgment of Service is filed in the court case. ■ 2

(d) **Service by certified mail.** Service by mail is made by certified mail, return receipt requested, and delivery restricted to the addressee. CSS uses service by certified mail when service to the AOR or by Acknowledgment of Service is not appropriate or successful. CSS staff is not required to attempt service by certified mail before attempting personal service when the case history indicates a low probability of acceptance or the court requires personal service. ■ 6

(e) **Service by personal delivery.** Service by personal delivery is completed by a sheriff, deputy sheriff, individual licensed to make service of process in civil cases, or an individual specially appointed for that purpose, per 12 O.S. § 2004. CSS uses service by personal delivery when:

(1) an individual has not accepted service by certified mail;

(2) service to the AOR or by acknowledgment is not available or appropriate;

(3) case history indicates a low probability of acceptance of service by certified mail;  
or

(4) the court requires service by personal delivery. ■ 7

(f) **Diligent efforts.** When CSS contracts with vendors for service of process, the vendor must make diligent efforts to complete service and provide timely documentation to CSS. Diligent efforts means ~~repeated at least three-repeated~~ attempts to serve the individual ~~at least three times~~, and at different times of day or on different days of the week, before declaring inability to serve. CSS:

(1) attempts to serve process in the manner, at the time, and place most reasonably calculated to complete service of process in the most efficient and cost effective manner;

(2) makes diligent efforts to serve process utilizing all information:

(A) provided by CSS staff;

- (B) documented in the case record; or
- (C) gathered from other locate resources;
- (3) provides address and employer information to the process server;
- (4) attempts to serve the person at:
  - (A) work;
  - (B) home; or
  - (C) other locations based on information gathered on his or her lifestyle; and
- (5) documents all facts about attempts to serve process in the case record. ■ 8
- (g) **Minor noncustodial parent.** CSS serves a minor noncustodial parent (NCP) who is:
  - (1) 15 years of age or ~~or~~ and older, per 12 O.S. § 2004; or
  - (2) younger than 15 years of age, through a parent, guardian, or other appropriate adult as the next friend of the minor NCP.
- (h) **Subsequent electronic service.** A Notice of Consent to Electronic Service or recognized substitute must be completed by a party or party's attorney and filed with the court, in accordance with 12 O.S. § 2005(B), and applies to an individual court action. Pleadings asserting new or additional claims require a new Notice of Consent to Electronic Service.

## **INSTRUCTIONS TO STAFF 340:25-3-3**

**Revised 9-15-21**

1. (a) Unless there is a family violence indicator on the case, upon request, Oklahoma Department of Human Services Child Support Services (CSS) staff provides legal documents with an instructional cover letter for a customer to serve on the other party by a process server, hired by a customer. The customer must return an Affidavit of Service signed by the process server to CSS for filing in the court action.
  - (b) When a party appears for hearing without being served, CSS staff provides copies of the legal documents to the party and has the party sign an Acknowledgment of Receipt that CSS files with the court.
  - (c) CSS staff updates the automated Oklahoma Support Information System (OSIS) Case Log Add (CSLOGA) and Document Service Update (DOCSU) screens with the date of the Acknowledgment of Receipt or Affidavit of Service.
  - (d) CSS does not release locate information to a customer for the purpose of service by private process server, except for a request for release of an Address of Record (AOR), per Oklahoma Administrative Code (OAC) 340:25-5-340.1.
2. CSS staff may use service by acknowledgment to serve documents on an incarcerated party.
3. (a) The AOR is case-specific unless the custodial person or noncustodial parent has designated otherwise. CSS cannot use the AOR on file in one case for the party's other cases.
  - (b) A party may designate different AORs for different cases.
  - (c) CSS staff reviews the caselog and physical file to determine if a case has a current AOR.

4. When a child support case closes or subsequently reopens, the established AOR remains in effect. An AOR is updated on a closed case, per OAC 340:25-5-340(c).
5. When CSS is serving a party by regular mail to the AOR, CSS staff:
  - (1) sends copies of all the pleadings and orders being served to the AOR and any other current address; and
  - (2) does not include non-AOR addresses on the pleadings, orders, or certificates of service.
6. Parties who refuse to accept service by certified mail are considered properly served and a default order may be entered. When service is refused, CSS staff:
  - (1) upon receipt of the proof showing the service was refused, and at least 10-calendar days before obtaining a default order, sends the legal documents to the party by regular mail with a Notice of Default After Refusal of Service (GN16). The Notice of Default After Refusal of Service notifies the party that despite the refusal, legal action will proceed and a default order will be entered unless the party appears for hearing;
  - (2) files the Affidavit of Service and attaches the envelope showing it was refused. The Affidavit of Service must show the date and place of any subsequent mailing; and
  - (3) files a copy of the Notice of Default After Refusal of Service with the court.
7. Examples of situations where personal service is appropriate include, when the:
  - (1) party to be served is scheduled to appear in court on another matter;
  - (2) party's employment necessitates frequent travel;
  - (3) party cannot be served by mail or at home; or
  - (4) party's employment address is the only available service location.
8. CSS staff updates the OSIS CSLOGA and DOCSU screens with all service attempts and completed service.

## **SUBCHAPTER 5. OPERATIONAL POLICIES**

### **PART 9. DISCLOSURE OF INFORMATION**

#### **340:25-5-67.1. Family violence [ITS Only]**

(a) Oklahoma Department of Human Services (DHS) Child Support Services (CSS) establishes and maintains records regarding family violence per Sections 303.21 and 307.11 of Title 45 of the Code of Federal Regulations and Sections 653 and 654 of Title 42 of the United States Code (42 U.S.C. §§ 653 and 654).

(b) CSS is committed to promoting the safety and well-being of its customers and staff.

■ 1 & 2

(c) A family violence indicator is a designation placed on a participant in a Title IV-D or non-Title IV-D case by CSS indicating the risk of child abuse or domestic violence. The family violence indicator is used to restrict disclosure of the location of a participant who is reported to CSS as being at risk of family violence. ■ 3 & 4

- (d) CSS considers as reasonable evidence of family violence and enters a family violence indicator on appropriate individuals, when: ■ 5 & 6
- (1) a parent or custodian states that he or she or the child(ren) is at risk of emotional or physical harm from another individual in the same child support case; or
  - (2) DHS has knowledge of a court-ordered protective order or other information that family violence exists.
- (e) CSS makes available to custodial persons (CP) and noncustodial parents (NCP) Form 03EN008E, Family Violence - Address of Record Statement, to collect address of record (AOR) information and explain how the information is used. The CP or NCP may use Form 03EN008E to:
- (1) request that his or her home address or location information not be released to another parent or party in a child support case because release could result in family violence to the requesting individual or his or her children; or
  - (2) designate an AOR per OAC 340:25-5-340. CSS may release the AOR per OAC 340:25-5-340.1.
- (f) The presence or absence of a family violence indicator on a case does not guarantee anyone's safety. CSS is not liable for harm arising from the use or non-use of a family violence indicator.
- (g) CSS may remove a family violence indicator from a case participant when CSS receives:
- (1) a written request from the participant;
  - (2) information that the family violence indicator was entered in error; or
  - (3) a court order to remove the family violence indicator.
- (h) Upon order of a court having the authority to make or enforce child custody or visitation determinations per 42 U.S.C. § 663, CSS may:
- (1) request the federal Office of Child Support Enforcement to override a family violence indicator in a single instance; and
  - (2) authorize release of the person's home address or location to the court. ■ 67
- (i) Interstate cases follow OAC 340:25-5-270.
- (j) When an NCP submits an application for Title IV-D services in a case previously closed for good cause, CSS follows OAC 340:25-5-117.

## **INSTRUCTIONS TO STAFF 340:25-5-67.1**

### **Revised 03-15-169-15-21**

- 1. In cases where domestic violence is known or suspected, Oklahoma Department of Human Services Child Support Services (CSS) staff requests parties wait in separate rooms prior to a hearing or meeting, when possible. When appropriate, CSS staff may take other measures to promote the parties' safety. For example, CSS staff may request a law enforcement officer escort a party to his or her car after a hearing, arrange for parties to arrive at different times, or allow the victim to leave 20 minutes before the other party.**
- 2. When a party to a case obtains a new name and Social Security number, CSS staff consults the CSS Family Violence Coordinator in the Center for Planning and Development for guidance on how to proceed.**
- 3. When an adult case member is flagged with a Family Violence Indicator (FVI), CSS staff does not automatically flag the child(ren) on the case.**

4. Upon case closure, CSS removes any existing FVI from the child(ren) on the case. To request FVI removal, CSS staff follows the Case Closure Application Training Minute available on the CSS Infonet InfoNet.
5. When domestic violence is alleged in a conflict of interest case, per Oklahoma Administrative Code 340:25-5-124 and Instructions to Staff, the case, like other conflict of interest cases, is transferred to, and worked by another CSS office.
6. When the custodial person (CP) indicates there are family violence issues, staff assigns the case to the district office serving the county of the CP's address of record. When the address information provided is unclear and could put the CP's location information at risk of being disclosed, CSS staff contacts the CP for clarification of the confidential address. CSS staff may consult the CSS Family Violence Coordinator in the Center for Planning and Development for guidance on how to proceed.
67. CSS staff follows the:
  - (1) Case Management Child Support Manual, Address of Record and Family Violence Chapter on the CSS InfoNet;
  - (2) federal Office of Child Support Enforcement (OCSE) Action Transmittal AT-08-11, available from the OCSE website at <http://www.acf.hhs.gov/programs/cse/pol/AT/2008/at-08-11.htm>; and
  - (3) OCSE Dear Colleague Letter DCL-98-122, available from the OCSE website at <http://www.acf.hhs.gov/programs/cse/pol/DCL/1998/dcl98122.htm>.

## PART 15. CASE INITIATION, CASE MANAGEMENT, AND CASE CLOSURE

### 340:25-5-114. Procedures for determining and processing noncooperation on Temporary Assistance for Needy Families (TANF) and non-TANF SoonerCare (Medicaid) cases

Revised 9-17-189-15-21

- (a) **Cooperation of custodial persons (CP).** The ~~custodial person~~ (CP) must cooperate with the Oklahoma Department of Human Services ~~DHS~~ OKDHS Child Support Services (CSS) program in establishing paternity or in establishing, modifying, or enforcing a support order, per Section 654 of Title 42 of the United States Code (42 U.S.C. § 654), and Section 264.30 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 264.30). A CP receiving: ■ 1
  - (1) TANF must assign rights to support to ~~DHS~~ OKDHS, per 42 U.S.C. § 608; and
  - (2) non-TANF SoonerCare (Medicaid) benefits for minor child(ren) must assign medical support rights to the Oklahoma Health Care Authority (OHCA), per 42 C.F.R. § 433.146.
- (b) **Noncooperation of ~~custodial persons~~ CP.** When a CP fails to cooperate, CSS reviews the case to determine noncooperation. When CSS determines noncooperation, CSS notifies Adult and Family Services (AFS) staff in the appropriate ~~DHS~~ OKDHS county office. AFS staff updates the computer document for noncooperation with CSS and a computer-generated notice, per Oklahoma Administrative Code (OAC) 340:65-5-1, is sent advising the recipient of any decrease in benefits due to noncooperation. ■ 2
  - (1) For CSS to make a noncooperation determination on a TANF case, the

cooperation must be essential for the next step in providing child support services; per OAC 340:10-10-5 and 340:10-10-7. ■ 2 & 3

(2) Noncooperation is indicated when the CP:

(A) fails to ~~appear at a CSS district office to provide information or evidence relevant to the case~~ participate in a scheduled CSS conference or meeting.  
~~information or evidence relevant to the case;~~

(B) refuses to complete and sign documents necessary to take legal action against the noncustodial parent(s) (NCPs) when requested to do so by CSS;

(C) fails to comply with an order to submit oneself or the child(ren) to genetic testing to determine paternity;

(D) fails to appear as a witness at an administrative, district court hearing, or other proceeding;

(E) fails to provide information or attest to lack of information under penalty of perjury;

(F) fails to forward to ~~CSS~~ all child support payments received from the NCPs or those received from entities other than the Centralized Support Registry to CSS;

(G) pursues private legal action affecting paternity, child support, medical support, or child care or authorizes payments made other than through the Centralized Support Registry without giving CSS notice, and fails to keep CSS informed of the case status; or ■ 4

(H) engages in ongoing conduct detrimental to CSS enforcement efforts. ■ 5

(3) ~~DHS OKDHS~~ AFS staff in the county office determines if good cause for noncooperation with CSS exists, per OAC 340:10-10-6. ■ 6 & 7

(c) **Noncooperation of custodial persons CPs on non-TANF SoonerCare (Medicaid) cases.** When CSS district office staff receives an OHCA referral on a non-TANF or existing case update with a pending good cause indicator, staff determines if good cause exists for noncooperation, per OAC 317:35-5-7. ■ 5 through 10

## **INSTRUCTIONS TO STAFF 340:25-5-114**

**Revised ~~9-17-189-15-21~~**

1. When an ~~Oklahoma Department of Human Services DHS OKDHS~~ Child Support Services (CSS) district office receives a non-Temporary Assistance for Needy Families (TANF) SoonerCare (Medicaid) referral or case update from the Oklahoma Health Care Authority (OHCA) with a pending good cause indicator, and the custodial person (CP) is requesting Title IV-D services, the custodian must agree to cooperate with CSS, except when the case contains good cause, per Section 654 Title 42 of the United States Code, and Oklahoma Administrative Code (OAC) 317:35-5-7. CSS district office staff follows the noncooperation procedures for good cause determination, per OAC 340:25-5-114 Instructions to Staff (ITS) # 5.

2. (a) OAC 340:10-10-5(a) requires applicants or recipients who are parents of the child(ren) in their custody to cooperate with ~~DHS OKDHS~~ to receive services as a condition of eligibility for TANF. CPs who are parents of the child(ren) receiving TANF benefits must cooperate with CSS. Other CPs receiving TANF benefits, who are not parents of the child(ren), such as grandparents, aunts, or unrelated persons, are not subject to this requirement.

(b) CSS staff updates the cooperation block on the CSS Custodial Person Data Update (CCPU) screen of the automated Oklahoma Support Information System to 'O' and notifies Adult and Family Services (AFS) staff when a CP is not cooperating. When the CP resumes cooperation with CSS, that which is, has taken specific action to cooperate, CSS staff changes the cooperation block on the CCPU screen to Y. CSS staff does not consider the CP's statement of willingness to complete the requested action as fulfilling the requirement to cooperate.

(c) When the CP is noncooperative, but cooperation is not essential for the next step in providing child support services, CSS staff does not report noncooperation to AFS staff. For example, if the CP failed to appear at a child support hearing but the court entered a child support order, CSS staff changes the cooperation block on the CCPU screen to Y since the CP's cooperation was not essential in obtaining the child support order.

(d) When CSS receives returned mail or is aware that the CP is not at the address AFS used, CSS staff does not report the CP as noncooperative. Instead CSS staff emails the AFS worker. The AFS worker is responsible for sending Form 08AD092E, County Client Contact and Information Request, to the CP and terminating TANF benefits if the CP fails to contact the AFS worker with a current address. If the TANF case is closed, CSS staff may close the child support case, per Section 303.11(b)(10) of Title 45 of the Code of Federal Regulations (45 C.F.R. § 303.11(b)(10)).

(e) When noncooperation with CSS is determined, AFS county office staff reduces the family's cash assistance by 25 percent of the TANF payment standard, per OAC 340:10-10-5.

(f) CSS may pursue legal remedies, such as contempt citations, bench warrants, license revocations, and body attachments, to compel cooperation of CPs, related and unrelated to the child. Legal remedies, such as these are the only means available to CSS to obtain the cooperation of:

(1) unrelated CPs, as their TANF payments are not reduced; and

(2) CPs in child-only non-TANF SoonerCare (Medicaid) cases, as they are not included in the case.

3. (a) The case applicant must provide sufficient information for CSS to initiate a search for relevant case documents. CSS requests these documents, including orders and other relevant documents from the case applicant and all available sources, such as state registries and court clerks.

(b) The case applicant may be placed in noncooperation status, when:

(1) CSS attempts to obtain necessary information are unsuccessful; and

(2) the case applicant is given notice of necessary information and then fails to provide it.

4. Retaining private counsel or other services for support collection purposes is not in and of itself justification for a noncooperation referral.

5. An example of conduct detrimental to CSS enforcement efforts is a CP who harasses a noncustodial parents (NCP)'s employer, such that it jeopardizes an ongoing reliable source of support.

6. (a) When CSS staff has reason to believe the TANF CP has good cause for



noncooperation with CSS, staff refers the CP to AFS county office staff for a good cause determination, per OAC 340:10-10-6.

(b) OAC 340:10-10-6 ITS explain the AFS process used to determine good cause for noncooperation with CSS after considering the CSS recommendation on Form 08TA009E, Good Cause Report.

7. (a) CSS staff builds the case in the Oklahoma Support Information System (OSIS) as "Pending Good Cause Determination," and sends the CP letter C11/03GN542E, Pending Good Cause Determination. This letter requests the CP return the required documentation within 14-calendar days to claim good cause.

(b) CSS staff does not contact or send letters to an NCP until the Pending Good Cause Determination is resolved.

(c) Upon receipt of the CP's completed information and documentation, CSS staff follows guidelines (1) through (3) of this subsection to make the good cause determination.

(1) Has the NCP been abusive to the CP or the child(ren)?

(2) Was the child conceived as a result of rape or incest?

(3) Is the CP considering, or has the CP decided to place the child for adoption?

(d) When the answer is "yes" to any of these questions, then good cause for noncooperation exists. The type of documentation necessary to make the good cause determination includes:

(1) a birth certificate, medical record, law enforcement report indicating a rape occurred or that the child may have been conceived by rape or incest;

(2) a court document indicating adoption proceedings occurred or are pending;

(3) a written statement from public or licensed private social services agency indicating adoption proceedings are being considered or pending;

(4) a court, medical, child welfare, social services, psychological, or law enforcement record indicating physical or emotional harm inflicted by the NCP on the CP or child(ren); or

(5) sworn statements from individuals other than the CP with knowledge of circumstances based on the good cause claim indicating there is a potential for physical or emotional harm from the NCP toward the CP or child(ren).

(e) When CSS staff determines good cause exists, staff updates the CCPU screen with good cause 'G,' closes the case, per 45 C.F.R. § 303.11(b)(10), and sends letter, C12/03GN543E, Good Cause Determination, to the CP. OSIS sends the good cause determination to OHCA.

(f) When the CP fails to provide adequate good cause documentation or fails to respond to the Pending Good Cause Determination letter, the case is pursued as a full service case. The case remains open and district office staff updates the CCPU with a Y. OSIS sends an electronic submission to OHCA indicating CSS is proceeding with the case.

(g) When CSS staff determines good cause does not exist letter, C13/03GN544E, Notice of Denial of Good Cause for Failure to Cooperate, is

sent to the CP and CSS continues working the case.

(h) The CP may dispute the good cause determination by providing additional information on C13/03GN544E, Notice of Denial of Good Cause for Failure to Cooperate, and submitting supporting documentation to CSS State Office Center for Operations (CO).

(i) CO staff forwards the CP's good cause request and information to the appropriate regional administrator (RA) for review. The RA confirms or reverses the previous good cause determination and notifies the CP and CSS staff accordingly.

8. (a) When CSS receives a referral from OHCA with a pending good cause determination, CSS staff builds an information only case (Status 01). The case remains in Status 01 until the good cause determination is made or until the applicant fails to timely continue the good cause determination process.  
(b) CSS staff follows the steps outlined in ITS # 7 to resolve the Pending Good Cause claim.  
(c) When good cause is denied and all opportunities to appeal or review the decision are exhausted or waived, the case is converted to Status 02.  
(d) When good cause is determined, the case is closed.
9. When a CP on an existing CSS non-TANF or Medical Enforcement Only case claims good cause for noncooperation in a district office, CSS staff updates the case in OSIS as Pending Good Cause, sends C11/03GN542E, Request for Determination of Good Cause for Failure to Cooperate, to the CP and follows the steps outlined in ITS # 7 (f) through (i).
10. The penalty for noncooperation with CSS by a CP who is a parent receiving non-TANF Medicaid benefits is the removal of the CP's Medicaid benefits from the case. There is no penalty for noncooperation with CSS on child-only non-TANF SoonerCare (Medicaid) cases since adults are not included in the case.

### **340:25-5-117. Initiation of Title IV-D cases**

Revised 09-17-189-15-21

**(a) Title IV-A, Title IV-E foster care, ~~non-TANF~~ and non-Temporary Assistance for Needy Families (TANF) SoonerCare (Medicaid), ~~and child care subsidy referrals.~~**

(1) Oklahoma Department of Human Services Child Support Services (CSS) automatically initiates child support cases without additional application for certified Title IV-A, Title IV-E foster care, and non-Temporary Assistance for Needy Families (TANF) SoonerCare (Medicaid), ~~and child care subsidy referrals.~~ ■ 1 through 54

(2) A referral from the assistance programs listed in (1) of this subsection, means receipt of data that includes verified information with no errors or duplications, sufficient and appropriate for CSS to initiate a child support case.

(3) ~~Custodial persons (CP)s who apply~~ When either the custodial person (CP) or non-custodial parent (NCP) who apply applies for non-TANF SoonerCare (Medicaid) for themselves and their child(ren), he or she must assign medical support rights to the state, per Section 1396k of Title 42 of the United States Code (42 U.S.C. § 1396k). ■ 43 & 65

(A) These CPs must cooperate in establishing paternity and obtaining medical support unless an exception exists, per 42 U.S.C. §§ 1396a(l)(1)(A), 1396k, or 1396r-6. ■ 76

(B) CSS must open a Title IV-D medical enforcement only case, per Oklahoma Administrative Code (OAC) 340:25-5-169. CSS may open a full-service case to provide all appropriate Title IV-D services, per OAC 340:25-1-1.2, at the CP's request. ■ 43 & 87

~~(4) When CSS receives a referral from the Adult and Family Services worker, per OAC 340:40-7-9, CSS must open a full-service case when any of the applicant's children in the household are certified for a child care subsidy. ■ 9 & 10~~

~~(5)~~ When CSS receives a non-TANF SoonerCare (Medicaid) referral from the Oklahoma Health Care Authority (OHCA) in which the CP has assigned court-ordered child support or cash medical support, CSS determines when it is appropriate to open a full-service case, per OAC 340:25-5-169. ■ 408

~~(6)~~(5) CPs who apply for non-TANF SoonerCare (Medicaid) on behalf of their child(ren) only are not required to cooperate in establishing paternity and obtaining medical support. Therefore, except when (4) of this subsection applies, CSS does not provide child support services unless the CP made a request for a full-service case or the case is for medical enforcement only. ■ 87

**(b) Termination of Title IV-A, Title IV-E foster care, and non-TANF SoonerCare (Medicaid) benefits.** When a family is no longer eligible for assistance under Titles IV-A, Title IV-E foster care, or non-TANF SoonerCare (Medicaid) programs, all appropriate Title IV-D services continue without application, per Section 302.33 of Title 45 of the Code of Federal Regulations. Non-TANF SoonerCare (Medicaid) cases previously limited to medical support continue as full-service cases. When a CP refuses continued Title IV-D services and subsequently requests services, the CP must submit a completed and signed Form 03EN001E, Application for Child Support Services, even when CSS has an active case because of unreimbursed assistance owed to the state.

**(c) Referrals from other jurisdictions.** CSS accepts cases referred:

(1) by any state or tribal Title IV-D agency and from other countries when the ~~noncustodial parent (NCP)~~ resides in Oklahoma. CSS does not require an application for cases referred from another Title IV-D agency;

(2) by interstate referrals for judgment only collections when the case was opened in the initiating state during the minority of any child on the case; or

(3) when Oklahoma is an appropriate jurisdiction to establish, enforce, modify, or determine the controlling order, per the Uniform Interstate Family Support Act in Sections 601-101 through 601-903 of Title 43 of the Oklahoma Statutes, whether or not the NCP resides in Oklahoma.

**(d) Responses from NCPs who sign an acknowledgment of paternity form.** CSS opens full-service cases for NCPs who filed Form 03PA209E, Acknowledgment of Paternity, with the Oklahoma State Department of Health, Division of Vital Records and requested child support services by completing and signing Form 03EN001E, Application for Child Support Services.

**(e) Other Title IV-D cases.** Except as provided in (a), (c), and (d) of this Section, an applicant must submit a completed and signed Form 03EN001E to receive all appropriate child support services or locate only services. ■ 449

(f) **Building case balances.**

(1) CSS builds case balances on new and reopened cases, per OAC 340:25-5-140.

(2) When CSS opens a case and has information the NCP made payments in excess of the court-ordered child support order, CSS only collects the excess payment when a court has determined the amount of the excess payment and ordered that it be satisfied by offset against the monthly current child support obligation. ■ 4210

(g) **Good cause.** When the NCP submits an application for child support services in a case previously closed for good cause for noncooperation, CSS:

(1) ~~reviews the case to determine if:~~

~~(A) good cause still exists for the CP not to cooperate with CSS; and~~

~~(B) CSS can proceed without the CP's cooperation or participation;~~

~~(2) opens the case when good cause no longer exists;~~

~~(3)(2) opens the case when good cause exists, but CSS can proceed without the CP's cooperation or participation~~ family violence may still exist and the CP gives permission; or

~~(4)(3) closes the case when good cause still exists and CSS cannot proceed without the CP's cooperation or participation~~ declines to reopen when good cause still exists.

(h) CSS does not open a case when the case was previously closed and the circumstances that led to the closure have not changed. ■ 4311

## **INSTRUCTIONS TO STAFF 340:25-5-117**

### **Revised 09-16-199-15-21**

1. ~~(a) When a Temporary Assistance for Needy Families (TANF) case was closed for noncooperation, per Oklahoma Administrative Code (OAC) 340:25-5-114, and a new referral or application is received, Oklahoma Department of Human Services Child Support Services (CSS) staff opens the case without updating the cooperation status. CSS district office staff reviews the cooperation status and determines how to proceed.~~

~~(b) When CSS has closed a child care subsidy case, per OAC 340:25-5-118, the custodial person (CP) must submit a new application. CSS reopens the case, but does not update the cooperation status. CSS district office staff reviews the cooperation status and determines how to proceed.~~

2. ~~(a) When one district office transfers a referral, 15 or fewer calendar days old, to another office through an update on the Oklahoma Support Information System (OSIS) Referral List screen (RFLI), the sending office emails the receiving office the transfer. The email includes the Family Group Number (FGN) and the district court case number, when applicable.~~

~~(b) When the referral is more than 15 calendar days old, the initiating office builds or cross-references the case on OSIS prior to transferring the case and emails the receiving office of the transfer. The initiating office updates the OSIS Case Log screen with information about the actions taken.~~

3. When a custodial person (CP) does not provide a copy of a child support or other order, it does not automatically constitute noncooperation. CSS staff attempts to obtain the order, per OAC 340:25-5-114 Instructions to Staff.

- 43.** When CSS receives a referral where the applicant for benefits is not the biological parent (BP) of the child(ren) on the case, but the BP is listed as a member of the household on the benefits case, CSS staff builds the child support case with the BP as the CP. When there is an order in place naming the applicant non-BP as the legal custodian of the child(ren), CSS staff builds the case with the applicant listed as the CP.
- 54.** (a) When a child has multiple, alleged biological fathers and no acknowledged, presumed, or adjudicated fathers, CSS staff opens cases on all alleged biological fathers. CSS staff:
- (1) determines which case to pursue first, per OAC 340:25-5-176, and updates the Paternity Pended Obligation (EPOC) screen with that alleged, biological father;
  - (2) updates all other cases as secondary alleged biological fathers on the EPOC screen; and
  - (3) updates the OSIS Case Log in each case to reflect multiple alleged biological fathers and the legal determination made to proceed against one of the alleged fathers.
- (b) Secondary alleged biological father cases listed on the EPOC screen are exempt from audit timeframes.
- (c) When a case against an alleged biological father is eligible for closure, per Section 303.11 of Title 45 of the Code of Federal Regulations, the case against that alleged biological father is closed.
- 65.** CSS staff is not authorized to select and update Oklahoma Health Care Authority (OHCA) Agency View with the primary care provider, unless the SoonerCare (Medicaid) client advised CSS what provider to add.
- 76.** The exceptions to the cooperation requirement include:
- (1) SoonerCare (Medicaid)-eligible women during pregnancy and postpartum periods;
  - (2) persons receiving continued medical benefits; and
  - (3) persons with good cause.
- 87.** (a) When initiating child support cases on non-TANF SoonerCare (Medicaid) referrals, CSS staff follows the:
- (1) ~~Application Process & Building the Case in OSIS Chapter in the Case Initiation and Case Closure section of the Education page on the CSS InfoNet for information on the application process and building the case on OSIS Consistent Excellence documents; and~~
  - (2) federal Office of Child Support Enforcement (OCSE) Dear Colleague Letter DCL-00-122, Health Care Financing Administration Letter to State Medicaid Directors, available from the OCSE website, <http://www.acf.hhs.gov/programs/cse/pol/DCL/2000/dcl-00-122.htm>.
- (b) CSS staff follows the Child Support Training Minute: Case Initiation on Resolving Erroneous and Duplicate Referral Information from OHCA, for the process to close the case, update the referral to the appropriate level of child support services, or to remove the referral by indicating child support services were declined. CSS staff accesses the Child Support Training Minute on the CSS InfoNet Education page.

- ~~9. Once the referral is sent to CSS, the CP may call CSS and request the child support case be closed because he or she is receiving court-ordered child support, per OAC 340:40-7-9 Instructions to Staff # 2. CSS staff decides if the child support case can be closed without penalty to the child care subsidy recipient. When CSS staff decides no penalty is required, closure reason code 01 on the CSCU screen of OSIS is used.~~
- ~~408. When CSS receives a (SoonerCare) Medicaid referral and the applicant for child care subsidy or SoonerCare Medicaid is the noncustodial parent of the child(ren), CSS does not open a child support case.~~
- ~~419. CSS accepts an application when an applicant who claims to be a non-biological parent non-BP of a child born during a same-sex relationship requests assistance to adjudicate the parentage of the child.~~
- ~~4210. CSS does not build the excess payment as part of the case balance. When a court ordered the excess payment to be satisfied by offset against monthly current child support, CSS gives credit each month against the monthly child support obligation until the excess payment is satisfied in full. For example, when the monthly child support obligation is \$1,000 and the noncustodial parent paid \$600 in excess of the child support order prior to CSS opening the case, CSS staff builds the \$1,000 obligation on OSIS and reduces the monthly child support obligation by \$200 per month, each month until the \$600 is paid in full.~~
- ~~4311. When determining to reopen a previously closed case, CSS follows the federal Office of Child Support Enforcement (OCSE) Policy Interpretation Question (PIQ) 05-02 Case Initiation of Previously Closed IV-D Cases available from the OCSE website, <https://www.acf.hhs.gov/css/resource/master-contracts-for-state-it-products-or-services>.~~

**340:25-5-118. Noncooperation on non-TANF and child care subsidy non-Temporary Assistance for Needy Families (TANF) cases**

Revised 09-16-199-15-21

- (a) ~~The Oklahoma Child Support Services (CSS) determines noncooperation in a non-TANF case on the same basis as a Temporary Assistance for Needy Families (TANF) case. Oklahoma Administrative Code (OAC) 340:25-5-114 describes indications of noncooperation. When CSS determines noncooperation, CSS closes the case under Section 303.11 of Title 45 of the Code of Federal Regulations. ■ 1~~
- (b) ~~CSS requires a new application to reopen a case closed because of noncooperation. The applicant for services must agree to cooperate with CSS. ■ 2 through 4~~
- (c) ~~OAC 340:40-7-9 describes the requirement to pursue child support with CSS, as a condition of eligibility, for custodial persons participating in the Oklahoma Department of Human Services (DHS) child care subsidy program. When the noncooperation prevents CSS from providing child support services, CSS initiates case closure action under Section 303.11 of Title 45 of the Code of Federal Regulations. ■ 3 & 4~~

**INSTRUCTIONS TO STAFF 340:25-5-118**

**Revised 09-16-199-15-21**

1. Failure to provide an order. When the custodial person (CP) does not provide a copy of a child support or other order, it does not automatically constitute noncooperation. Child Support Services (CSS) staff attempts to obtain the order, per Oklahoma Administrative Code (OAC) 340:25-5-114 Instructions to Staff.
2. Noncooperation determination in non-Temporary Assistance for Needy Families (TANF) cases. CSS staff considers the factors listed in OAC 340:25-5-114, in making a noncooperation determination in non-TANF cases. The district child support CSS office staff must document in the case record the circumstances of the noncooperation and what action the CP failed to take that was essential for proceeding to the next step in providing child support services.
3. Documenting cooperation.
  - (1) When CSS staff determines the CP is not cooperating with CSS, staff updates the cooperation block on the Custodial Person Data Update (CCPU) screen of the Oklahoma Support Information System (OSIS) to 'O'. When a case closes for noncooperation, CSS staff leaves the 'O' code on the CCPU.
  - (2) When the CP resumes cooperation with CSS, child support staff changes the cooperation block on the CCPU screen to 'Y'.
4. ~~Child Care Subsidy benefits.~~
  - ~~(1) When CSS updates the CCPU screen with noncooperation and the CP is receiving child care subsidy, the benefits remain active until the annual renewal, per OAC 340:40-7-9. CSS staff does not notify Adult and Family Services of the noncooperation.~~
  - ~~(2) When CSS determines cooperation is essential in establishing or enforcing child support, CSS proceeds with case closure, per OAC 340:25-5-123. At the annual renewal of the child care subsidy, the CP is required to submit Form 03EN001E, Application for Child Support Services, and correct the action that led to the noncooperation. When the application is received, CSS reopens the case, leaving the 'O' in the noncooperation block on CCPU. When CSS district office staff determines the CP resumed cooperation, CSS district office staff changes the block on the CCPU screen to 'Y'.~~

### **340:25-5-123. Case closure system**

Revised 09-17-189-15-21

- (a) Oklahoma Department of Human Services ~~DHS~~ OKDHS Child Support Services (CSS) closes cases eligible for closure, per Section 303.11 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 303.11). ■ 1 & 2
- (b) A child support case may not be closed when there is a pending paternity, establishment, or modification action filed with the court by CSS and the non-applicant has been served, unless the pending action is withdrawn or dismissed at the discretion of the CSS state's attorney. ■ 3
- (c) A child support case may be closed when any of the criteria in (1) through (4) of this subsection applies.
  - (1) There is no current support order and arrears are unenforceable. Arrears are

determined to be unenforceable when:

(A) there ~~has been~~ was no collection during the past year; and

(B) the noncustodial parent (NCP) has no known or prospective income or assets. ■ 2 through 6

~~(2) The custodial person (CP) is participating in the DHS Child Care Subsidy Program, is not receiving Temporary Assistance for Needy Families (TANF) or non-TANF SoonerCare (Medicaid), requests closure, and (A) and (B) of this paragraph apply.~~

~~(A) There is a child support order.~~

~~(B) The CP is receiving the full amount of the current monthly child support obligation and has reported to his or her Adult and Family Services worker receipt of this child support income. ■ 7 & 8~~

~~(3) The CP is participating in the DHS Child Care Subsidy Program, is receiving non-TANF SoonerCare (Medicaid) benefits for a child(ren) only, requests closure, and all the criteria in (2) of this subsection apply. ■ 1, 7 & 8~~

~~(4) NCP is receiving The NCP's sole income is from Supplemental Security Income has no income or assets to pay arrears, (SSI) or a combination of SSI and Social Security Disability Insurance, and the child support order is set at or modified to \$0 per month due to the parent's disability and lack of income. ■ 97 through 10~~

(d) A child support case may be closed when the:

(1) case was referred to CSS by an assistance program, per Oklahoma Administrative Code (OAC) 340:25-5-117, and the:

(A) referral is inappropriate to establish or enforce a child support order; and

(B) custodial person (CP) or NCP has not applied for services with CSS;

(2) CP receives ~~non-TANF~~ non-Temporary Assistance for Needy Families (TANF) Sooner Care (Medicaid) child only benefits and the case is received from the Oklahoma Health Care Authority as a referral, but CSS learns the CP desires to decline child support services and no service of process is initiated on a legal action filed by CSS to establish or enforce the child support order, including the medical support portion; or ■ 4011

(3) CP:

(A) cannot be located, per 45 C.F.R. § 303.11(b)(10); or

(B) fails to cooperate and an action by the CP is essential for the next step in providing child support services, per 45 C.F.R. § 303.11(b)(11). ■ 4412

(e) The case applicant requests that a child support case be closed by submitting CSS Form 03GN542E, Case Closure Application – Child Support Services. When a case closure application is received, CSS staff determines if the case meets federal case closure criteria, per 45 C.F.R. § 303.11.

(f) When CSS staff closes a case, CSS:

(1) terminates the Order or Notice to Withhold Income for Child Support with the employer, per ~~Oklahoma Administrative Code (OAC) 340:25-5-201.1;~~ ■ 4213

(2) resolves enforcement actions filed and CSS processes that are specific to the case ~~being closed~~ closure; ■ 4314

(3) reviews the Family Violence Indicator, per OAC 340:25-5-67.1; ■ 4415

(4) removes case balances; ■ 4516 and

(5) documents the date and amounts removed on the Oklahoma Support Information



System Case Log (CSLOG) screen.

(g) Per 45 C.F.R. § 302.33, when Title IV-A Temporary Assistance for Needy Families (TANF), Title IV-E foster care, and non-TANF SoonerCare (Medicaid) services are discontinued, CSS notifies the recipient that CSS maintains a full-service child support case, unless the CP declines services in writing. When the CP declines services in writing, CSS closes the case. When the CP fails to respond, CSS maintains a full-service child support case.

## **INSTRUCTIONS TO STAFF 340:25-5-123**

**Revised 09-16-199-15-21**

- 1. When Oklahoma Department of Human Services, Child Support Services (CSS) receives a written request for case closure for good cause by a non-applicant, district office management in consultation with the Family Violence program field representative, determine if good cause is met using criteria in Oklahoma Administrative Code (OAC) 340:10-10-6.**
- 2. When the CSS managing attorney, regional administrator, or center head determines a case was closed in error, within one year of closure, CSS staff reopens the case without requiring a new application.**
- 3. CSS staff does not close a case only because the applicant moves out-of-state.**
- 4. When CSS staff reviews a case to determine whether the arrears are unenforceable, staff looks for any evidence for future collection. For example, CSS staff does not determine the arrears are unenforceable when the noncustodial parent (NCP):**
  - (1) has pending insurance intercept collections;**
  - (2) has assets or an inheritance on a pending estate subject to a child support claim;**
  - (3) is receiving unemployment benefits; or**
  - (4) owns assets, such as financial accounts or non-exempt real property with equity.**
- 5. CSS staff does not proceed with closure using unenforceable arrears as the closure reason when the payment records show the NCP, once a year:**
  - (1) receives an income tax refund intercept;**
  - (2) works at a seasonal job; or**
  - (3) makes any type of payment.**
- 6. During the 60-calendar day closure notice time period, if the custodial person (CP) provides information regarding the NCP's income or attachable assets, CSS does not consider the case unenforceable and does not close.**
- 7. (a) ~~CSS staff manually reviews the CSS CP Day Care Closure (CSDCC) screen on the Oklahoma Support Information System (OSIS) to determine if the amount of child support income in the F95 block on the EF screen of the automated Adult and Family Services (AFS) PS2 system is equal to or greater than the child's court-ordered monthly child support amount on the Obligation Current Support Inquiry (OBCSI) screen.~~**
  - (b) ~~When the amount in the F95 block is equal to or greater than the amount on~~**

~~the OBCSI screen, a message, "ENTER 'X' TO CLOSE CASE," appears on the CSDCC screen allowing CSS staff to close the case when the criteria in OAC 340:25-5-123(c) are met.~~

~~(c) When the amount per child in the F95 block is less than the court-ordered amount, the message "IF FSSD HAS VERIFIED CHILD SUPPORT INCOME, ENTER 'X' TO CLOSE CASE" appears. CSS staff emails the Adult and Family Services (AFS) worker and the county director to report the discrepancy and requests verification of the monthly amount of child support income reported by the CP to the AFS worker.~~

~~(d) CSS staff documents on the Case Log Add (CSLOGA) screen when the email was sent to the AFS program worker. When the AFS program worker emails CSS staff confirming the monthly amount of child support income reported by the CP, CSS staff may close the child support case when the criteria in OAC 340:25-5-123(c) are met. CSS staff must document on CSLOGA:~~

- ~~(1) when the AFS worker emailed; and~~
- ~~(2) information provided.~~

~~8. (a) When the CP is receiving a child care subsidy, CSS closes the child support case when the CP:~~

- ~~(1) is not cooperating and cooperation is essential for the establishment or enforcement of a child support order; or~~
- ~~(2) meets the criteria in OAC 340:25-5-123(c)(2).~~

~~(b) When CSS receives a payment on a non-Temporary Assistance for Needy families (TANF) SoonerCare (Medicaid) benefits only case, CSS staff processes the case as described in (1) through (3) of this subsection.~~

~~(1) District office staff:~~

- ~~(A) resolves the payment on in the CSS Undistributed Payments Select Menu (UNDL) screen by using the CSS Financial Notes Add (UNDR) screen and coding the payment with a 'W' resolution indicator and a note that the payment is a non-Title IV-D pass through; and~~
- ~~(B) closes the case on OSIS with the closure codes 04/01.~~

~~(2) Center for Finance and Budget staff logs the payment for issuance to the CP as a non-Title IV-D pass through case, per OAC 340:25-5-350.3.~~

~~(3) District office staff reviews the child support order for a medical support provision, per OAC 340:25-5-168 and, when there is no such provision:~~

- ~~(A) re-opens the child support case to obtain a modification of the child support order to include a medical support provision, document medical insurance actually provided, and/or issue a National Medical Support Notice to an existing employer, per OAC 340:25-5-171;~~
- ~~(B) updates OSIS with this information; and~~
- ~~(C) closes the case with OSIS closure codes 04/01.~~

~~9. When the monthly child support is not set at \$0 prior to closing, CSS modifies the order for current support to \$0 per month, per OAC 340-25-5-178 ITS # 3, so that child support does not accrue.~~

~~8. When CSS receives a payment on a non-Temporary Assistance for Needy Families (TANF) SoonerCare (Medicaid) benefits only case, CSS staff~~

**processes the case as described in (1) through (3) of this subsection.**

**(1) District office staff:**

**(A) resolves the payment on OSIS in the CSS Undistributed Payments Select Menu (UNDL) screen by using the CSS Financial Notes Add (UNDR) screen and coding the payment with a 'W' resolution indicator and a note that the payment is a non-Title IV-D pass through; and**

**(B) closes the case on OSIS with the closure codes 04/01.**

**(2) Center for Finance and Budget staff logs the payment for issuance to the CP as a non-Title IV-D pass through case, per OAC 340:25-5-350.3.**

**(3) District office staff reviews the child support order for a medical support provision, per OAC 340:25-5-168 and, when there is no such provision:**

**(A) re-opens the child support case to obtain a modification of the child support order to include a medical support provision, document medical insurance actually provided, and/or issue a National Medical Support Notice to an existing employer, per OAC 340:25-5-171;**

**(B) updates OSIS with this information; and**

**(C) closes the case with OSIS closure codes 04/01.**

**9. When paternity has:**

**(1) not been established prior to closing, CSS staff proceed with paternity establishment by having the parties complete an Acknowledgement of Paternity or through a court order;**

**(2) been established and there is no child support order, CSS proceeds with case closure and does not establish a zero child support order; or**

**(3) been established and there is a support order, CSS modifies the order to zero prior to closing.**

**10. CSS staff follows the Child Support Training Minute: Case Initiation on Resolving Erroneous and Duplicate Referral Information from the Oklahoma Health Care Authority for the process to close the case, update the referral to the appropriate level of child support services, or to remove the referral by indicating child support services were declined. CSS staff accesses the Child Support Training Minute on the CSS InfoNet.**

**11. CSS staff considers the factors listed in OAC 340:25-5-114 in making a noncooperation determination. Examples of appropriate and not appropriate for noncooperation in a child-only SoonerCare (Medicaid) case include, but are not limited to:**

**(1) appropriate: when the CP refuses to bring the child in for court-ordered genetic testing, despite multiple notices to do so. The case may be closed because genetic testing, when ordered, is an essential next step for establishing parentage, per OAC 340:25-5-114 Instructions to Staff (ITS) # 2, for noncooperation; or**

**(2) not appropriate: when the NCP requested a review of the order, but the CP fails to appear at the modification hearing after having been served with notice. The court enters an order imputing income to the CP despite the CP's failure to appear. The case may not be closed because CSS was able to proceed with the modification without the CP's appearance, per OAC 340:25-5-114 ITS 2(c).**

12. When it is determined a case qualifies for closure, CSS terminates the state's Order/Notice to Withhold Income for Child Support (IWO). At the applicant's request, CSS initiates a new IWO in the applicant's name at the same time the state's IWO is terminated.
13. (a) When CSS is no longer providing child support services staff resolves enforcement actions by:
  - (1) releasing liens and levies;
  - (2) dismissing pending court actions, such as contempt;
  - (3) reinstating any revoked or suspended licenses;
  - (4) removing the NCP from the Most Wanted Program; and
  - (5) requesting the court withdraw bench warrants.
 (b) Staff leaves in place actions that affect any case other than the case being closed.
14. Upon case closure, CSS removes the Family Violence Indicator (FVI) from the child(ren) on the case. To request FVI removal, CSS staff follows the Case Closure Application Training Minute available on the CSS InfoNet.
15. (a) When a 60 Day Closure Letter was sent, CSS finance staff:
  - (1) sets the child support accrual end date on the Obligation Information Per Child page of the OBLU screen in OSIS, as the last day of the month following the 60-calendar day period; or
  - (2) immediately ends current support when CSS receives:
    - (A) a court order terminating current child support;
    - (B) a final adoption order; or
    - (C) confirmation custody transferred to the NCP or a third party not receiving public assistance.
 (b) Staff removes any balances from the case after the 60-calendar day time period has elapsed.

### **340:25-5-124. Assignment and transfer of cases to child support offices**

Revised 09-16-199-15-21

In assigning cases to child support offices, Oklahoma Department of Human Services Child Support Services (CSS) considers whether the case is eligible for assignment to one of the tribal programs, per Oklahoma Administrative Code (OAC) 340:25-5-286. CSS treats an order registered in Oklahoma, per Sections 601-601 through 601-614 of Title 43 of the Oklahoma Statutes (43 O.S. §§ 601-601 through 601-614) as an Oklahoma order for purposes of OAC 340:25-5-124(1) and (2). If the case is not assigned to one of the tribal programs, CSS assigns cases under this Section. ■ 1

(1) Oklahoma child support cases are assigned to a district office serving the county where a prior Family and Domestic district court case exists involving the parents and child(ren), regardless of the case style of the order or whether or not a child support order was entered as to either parent. ■ 2

(2) When a guardianship order is in effect, the case is assigned to the district office serving the county in which the guardianship action was filed. The district office proceeds to petition the guardianship court to:

(A) defer jurisdiction of child support to CSS. The case then follows regular case assignment rules;

(B) defer jurisdiction of child support to a pre-existing Family and Domestic court case involving the parents and child(ren) to enforce an existing child support order or establish a child support order. The case is then assigned to the district office serving the county with the existing Family and Domestic court order; or  
(C) establish or modify a child support order. The case is remains assigned to the district office serving the county of the guardianship. ■ 23

~~(2)~~(3) Child Cases with intergovernmental child support orders from another state, or federal or tribal child support orders, are assigned to a district office serving the county in which the order is registered, per 43 O.S. §§ 601-601 through 601-614.

(A) When there are multiple Oklahoma support orders, cases are assigned to a district office serving the county where the presumed controlling order for current child support was entered or docketed in district court. ■ 4

(B) When there is an Oklahoma support order and an intergovernmental support order, the case is assigned to the district office serving the county where the Oklahoma support order is entered or filed. ■ 5

~~(3)~~(4) Cases are assigned to a district office serving the county where the custodial person (CP) resides when there is: ■ 36

(A) no Oklahoma child support order and there is no prior Family and Domestic district court case on file; ■ 47

(B) a federal or tribal child support order; or

(C) a child support order from another state.

~~(4)~~(5) When the applicant for child support services is the noncustodial parent (NCP), the location of the CP and child is unknown, and there is no prior paternity or child support order established, cases are assigned to the office responsible for the county in which the NCP resides until the CP and child are located. ■ 8

~~(5)~~(6) Except in cases where a child support order is registered in Oklahoma, when the CP does not reside in Oklahoma, cases are assigned to the district office serving the county where the NCP or alleged father resides. ■ 5 8 & 9

~~(6)~~(7) When there is no Oklahoma order and no party resides in Oklahoma, cases are assigned to the district office serving the county with significant contacts with the case. When more than one county has significant contacts with the case, the case is assigned to the district office having the most recent significant contact. ■ 610

~~(7)~~(8) CSS does not transfer cases docketed or registered, per 43 O.S. §§ 601-601 through 601-614, in district court because the CP or NCP moves to a county outside of the original district office's service area. ■ 25

~~(8)~~(9) CSS does not transfer cases because the CP files a contempt action in a county outside of the original district office's service area. ■ 711

~~(9)~~(10) CSS reassigns a case to another district office to avoid a conflict of interest, per OAC 340:2-1-8. ■ 812

(11) When there is an existing Office of Administrative Hearings: Child Support (OAH) order that was not docketed in the appropriate district court, per OAC 340:25-5-185.1, the case is assigned to the district office that obtained the OAH order. ■ 13 & 14

**INSTRUCTIONS TO STAFF 340:25-5-124**  
**Revised 09-16-199-15-21**

1. When one Oklahoma Department of Human Services (DHS) (OKDHS) Child Support Services (CSS) district office transfers a case to another office through an update on the Oklahoma Support Information System (OSIS), the sending office emails the person designated to receive transfers in the receiving office. The email includes the Family Group Number (FGN) and the district court case number, when applicable.
2. When determining office assignment of a case, CSS staff review prior orders and the parties' marital status. An adjudication of parentage in a prior order remains in full force and effect. Child support judgments and child support arrears accruing under the prior order remain due and owing regardless of a subsequent marriage or remarriage between the parties and remain in full force and effect. Between the parties of the marriage, only the current child support obligations are nullified due to a subsequent marriage or remarriage. Since there is no valid order for child support, Oklahoma Administrative Code (OAC) 340:25-5-124(1) does not apply.
23. Prior Family and Domestic district court case.
  - (1) When there is a Family and Domestic district court case involving the same parents, noncustodial parent/biological parent (NCP/BP), and a subsequent child is born, the case is assigned to the district office in the county with the existing district court case.
  - (2) When there is a third party custodian and a prior Family and Domestic district court case involving the same NCP/BP, the case is assigned to the district office responsible for the county where the prior Family and Domestic district court case was filed, regardless of the current custodial person's (CP) county of residence.
  - (3) When there is a prior Family and Domestic district court case involving other children of the same parents, an action to establish paternity and/or support of an additional child of the same parents born during the marriage but omitted from the prior order, the case is assigned to the district office responsible for the county where the prior Family and Domestic action was filed.
  - (4) When the district office docketed an administrative child support order in a Family and Domestic district court case but the individual parties subsequently file a new Family and Domestic district court case that addresses child support in addition to custody, visitation, and/or property settlement, the case is transferred to the district office responsible for the new case.
4. When there are multiple Oklahoma support orders, a case is initially assigned to the office with the most recent order for the office to take appropriate action to determine the controlling order.
5. When there is an Oklahoma order and an out of state order, a case is assigned to the county with the Oklahoma order for that office to take appropriate action to determine the controlling order.
36. Case assigned to district office. When the CP is:
  - (1) receiving public assistance and there is a question about where the CP resides, CSS staff assigns the case to the district office serving the county

where the CP is receiving any type of public assistance, such as Temporary Assistance for Needy Families, SoonerCare (Medicaid), Supplemental Nutrition Assistance Program benefits, or Child Care subsidy; or

(2) not receiving public assistance, CSS staff assigns the case to the district office serving the county of the CP's finding address even when the CP's address of record is in another county.

(3) When the CP indicates the finding address is confidential due to there are family violence issues, staff assigns the case to the district office serving the county of the CP's address of record. When the address information provided is unclear and could put the CP's location information at risk of being disclosed, CSS staff contacts the CP for clarification of the confidential address. CSS staff may consult the CSS Family Violence Coordinator in the Center for Planning and Development for guidance on how to proceed.

**47.** (a) When the CP in an outgoing interstate case moves to a different county within Oklahoma, CSS may transfer the case to the district office serving the CP's new county of residence when:

(1) there is no Oklahoma order; and

(2) the new address is verified; and

(b) CSS staff documents the reason for case transfer in the CSS computer system.

**8.** CSS staff assigns the case to the district office serving the county of the NCP's finding address even when the NCP's address of record is in another county. When the NCP indicates the finding address is confidential due to family violence issues, staff assigns the case to the district office serving the county of the NCP's address of record.

**59.** When the NCP is incarcerated, CSS staff does not transfer or reassign a case

to the district office that services the county where the correctional institution is located.

**610.** Significant contact.

(1) A county may have significant contact with a case, per ~~Oklahoma Administrative Code (OAC) 340:25-5-124~~, when the county is the location where:

(A) the NCP's employer conducts business;

(B) a child, parent, or CP formerly resided;

(C) the child was conceived; or

(D) the NCP owns property.

(2) When more than one district office has significant contact with the case and the district offices management involved in the case transfer cannot reach an agreement, they must contact the CSS Center for Operations for resolution.

**711.** CSS staff works together when a contempt action is filed in a county other than the original district office's service area. CSS state's attorneys in the district office where the contempt is filed make appearances on behalf of the

assigned district office without transferring the case.

**812. Conflict of interest.**

- (1) A conflict of interest exists, when:
  - (A) CSS staff assigned to a case and a case participant or party have a conflict and there is no agreement that CSS staff can be fair and impartial in performing their official duties; or
  - (B) the relationship between a CSS staff member and a case participant or other party adversely affects the delivery of services.
- (2) A conflict of interest may exist when the CP, NCP, or other case participant or party to a case, per OAC 340:2-1-8 is:
  - (A) a staff member of the assigned district office;
  - (B) related to a staff member; or
  - (C) residing in the staff member's home.
- (3) Duty to report, when:
  - (A) A conflict of interest may exist, per 6 (1) and (2) of this Instruction, the employee promptly reports the relationship to his or her managing attorney or center head; and
  - (B) management determines a conflict exists and it is appropriate for the case to remain in the assigned district office or be reassigned.
- (4) When there is a conflict of interest or to avoid conflict of interest, CSS staff:
  - (A) does not access or work his or her own case files or those of a relative, per OAC 340:2-1-8;
  - (B) follows process described in the Ethics for the Child Support Professional Chapter process on the CSS InfoNet; and
  - (C) refers to OAC 340:2-1-8 for further guidance on DHS OKDHS policy on employee prohibitions regarding conflicts of interest.
- (5) When a conflict was determined, and the case was reassigned, the staff member with the conflict is prohibited from:
  - (A) accessing the CSS conflict case or electronic file;
  - (B) exerting influence involving the CSS conflict case on the CP or NCP;
  - (C) interfering with the CP or NCP's attorney-client relationship;
  - (D) preparing paperwork related to the child support conflict case without the agreement of the CP, NCP, and the involved CSS district offices; or
  - (E) notarizing child support documents from CSS for the CP or NCP.
- (6) When there is a conflict of interest, district office management transfers the case to another district office in the same geographical area. For example, the Lawton and Chickasha/Duncan offices are neighbors and therefore transfer conflict of interest cases among themselves. McAlester and Okmulgee are 53 miles apart and could partner on conflict of interest cases.
  - (A) When the management at two district offices involved in the case transfer cannot reach an agreement that a case qualifies as a conflict of interest case, the CSS Center for Operations is contacted for resolution.
  - (B) When an office has too many conflict cases to transfer to only one



office, cases may be distributed to several offices.

(7) A conflict of interest does not ordinarily exist when the:

(A) employee conducts business with a case participant or other party on a casual basis. For example, a CSS staff member frequents a business where the case participant or other party works;

(B) CSS staff member and the case participant or other party are involved in the same non-business activities, but only occasionally interact. For example, both attend the same church; or

(C) case participant is not satisfied with CSS procedures. OAC 340:25-1-5.1 provides CSS customers an opportunity to raise concerns about services or treatment received.

(8) Per OAC 340:2-28-26, cases with an Office of Administrative Hearings: Child Support (OAH) number transferred to another district office require an OAH Notice of Transfer or Motion and Order for Transfer before the cases are sent to another district office.

(A) CSS staff documents the circumstances of the conflict of interest on the OSIS Case Log Add (CSLOGA) screen. The receiving district office informs the applicant of the transfer by letter.

(B) When the conflict ceases to exist, the receiving office verifies the conflict no longer exists before returning the case to the sending district office, and documents the case transfer on CSLOGA.

(9) Prior to transfer, CSS staff completes all court actions, organizes, and secures case files. CSS staff uses Form 03AD002E, File Transfer, to accurately determine which office is assigned the file.

(10) Conflict of interest cases in which domestic violence is alleged or suspected are worked, per OAC 340:25-5-67.1.

**13. When the parties no longer reside in the original county, the originating office is responsible for coordinating remote hearings for the parties who no longer live in that county.**

**14. When the managing attorneys of the originating office and the county where the CP or NCP resides agree there are extenuating circumstances that a case needs to be transferred, the originating office completes the transfer process including filing the Notice of Transfer with OAH.**

### **340:25-5-124.3. Assignment and management of deprived cases**

Revised 09-15-169-15-21

When a case includes a child(ren) in a deprived court action, Oklahoma Department of Human Services Child Support Services (CSS) assigns cases per this Section. ■ 1

(1) **No existing child support order.** When there is no existing child support order, the case is assigned to a district office serving the county in which the district court has jurisdiction over the deprived action. ■ 2

(2) **Existing case.** When there is a prior Family and Domestic district court case involving the parent(s) and child(ren), the case is assigned to a district office serving the county in which the order was entered or docketed, regardless of whether a child support order was entered as to either parent of the deprived action. ■ 3

(3) **Split jurisdiction.** When the case involves split jurisdiction, the district offices

coordinate paternity and child support order establishment and child support order enforcement procedures with the district courts. ■ 4 & 5

(4) **No prior child support order.** When no child support order was entered prior to the filing of the juvenile petition, there is no existing Family and Domestic district court case, the parental rights of the noncustodial parent (NCP) are terminated, and the child is not placed with the NCP, the child support case is assigned and transferred according to (A) through (D) of this paragraph, as applicable.

(A) When there is one NCP or when both NCPs reside in the same county, the CSS case is assigned to the district office serving the county where the NCP(s) resides.

(B) When there are multiple NCPs residing in different counties, the district offices within whose jurisdiction the NCPs reside reach an agreement regarding district office assignment.

(C) When parental rights are terminated CSS requests the court refer all child support issues regarding the parent whose rights ~~have been~~ were terminated to CSS for filing in the appropriate court.

(D) When the juvenile court entered a child support order but no longer desires to exercise jurisdiction to enforce the order, no prior Family and Domestic district court case exists, and the child(ren) is not placed with the NCP, CSS docket the juvenile child support or paternity order in a new district court case according to (i) through (ii) of this subparagraph, as applicable: ■ 5

(i) in the county in which the NCP resides or the NCP's last verified address;  
or

(ii) when both parents are NCPs, (B) of this paragraph applies.

(5) **Prior child support order.** When a prior child support order exists and after final adjudication and dismissal of the deprived action from the juvenile court, or when child support issues ~~have been~~ were deferred by the juvenile court, the office with the existing child support order docket any juvenile child support or paternity order in its district court and proceeds with both judicial and non-judicial enforcement of the child support order. ■ 5 & 6

(6) **Adoption.** When the child(ren) is adopted and the deprived action terminates, the child support case is assigned as described in (A) and (B) of this paragraph.

(A) When there is an existing child support order prior to the child(ren) entering foster care, the case is assigned to the district office serving the county where the order was established.

(B) When there is no existing child support order prior to the child(ren) entering foster care, and a child support order is established during the deprived action, the case is assigned to the district office serving the county where the NCP resides.

## **INSTRUCTIONS TO STAFF 340:25-5-124.3**

### **Revised 09-15-169-15-21**

- 1. Oklahoma Department of Human Services DHS OKDHS Child Support Services (CSS) Center for Operations receives child support case information from the Office of Administrative Hearings: Child Support (OAH) when a district court in a deprived court case has deferred jurisdiction for child**

support issues to OAH per Section 1-4-702 of Title 10A of the Oklahoma Statutes.

(1) CSS Center for Operations notifies the district office of the deferral by email and documents the information on the automated Oklahoma Support Information System (OSIS) Case Log.

(2) CSS district office staff prepares a hearing notice, notifies the parties of the hearing date, sets the case for the appropriate hearing on the OAH court docket, and documents this information on the OSIS Case Log.

2. No existing child support order. When there is no existing child support order and a case transfer is required from the initial district office (Office A) to the district office serving the county in which the court has jurisdiction over the deprived action (Office B), CSS staff follows the procedures in (1) through ~~(6)~~ (5) of this Instruction.

(1) Office A stops processing the child support case except for the completion of any genetic testing previously set and strikes any court hearings set at the request of CSS due to the court in the new county assuming jurisdiction over all issues.

(2) Office A:

(A) updates OSIS Case Data Update Screen (CSCU) screen to the new office code and case transfer staff user identification number;

(B) documents the case transfer on the Case Log Add (CSLOGA) screen; and

(C) transfers the physical case file to Office B.

~~(3) When the juvenile court that is exercising jurisdiction is Oklahoma County, Office A contacts the Oklahoma County Juvenile Court (OKJ) office. If OKJ determines the child support case needs to be transferred, OKJ updates the CSCU and CSLOGA screens and communicates with and requests the physical case file from Office A.~~

(4) When the juvenile court exercising jurisdiction is Tulsa County, Office A contacts the Tulsa East ~~(TUE)~~ Juvenile (TUJ) office. If ~~TUE~~ TUJ determines the child support case needs to be transferred, ~~TUE~~ TUJ updates the CSCU and CSLOGA screens and communicates with and requests the physical case file from Office A.

~~(5)~~(4) Office B checks on the status of the deprived action with the Child Welfare Services (CWS) specialist, paying particular attention to any paternity establishment issues. Office B contacts the child welfare (CW) specialist to:

(A) check on the status of the juvenile deprived action;

(B) determine the stage of the deprived action;

(C) determine whether any orders were entered by the juvenile court regarding paternity or child support;

(D) check whether paternity was determined by the juvenile court; and

(E) determine whether parental rights were terminated.

~~(6)~~(5) Office B establishes and enforces child support and paternity orders in that juvenile deprived action.

3. Existing child support order.

- (1) When there is an existing child support order, CSS staff follows the procedures in (A) through (D) of this paragraph.
- (A) Upon receipt of the SoonerCare (Medicaid) referral through the DHS OKDHS automated system, Office A notifies Office B when research of the DHS OKDHS automated system shows there is a CW case in a county in the service area of Office B.
- (B) Office A stops all enforcement action in that case except for non-judicial enforcement remedies. Office A completes genetic testing on a case when appropriate, establishing paternity for a child born after the child support order was entered.
- (C) The current OSIS office assignment code for the child support case remains with Office A.
- (i) This office assignment includes the periods prior to the issuance of an order from the juvenile court, after the order was entered, and during the passive enforcement period.
- (ii) During the juvenile court action, Office B may request a copy of the child support order, a current arrearage computation, and other relevant information from Office A's case file as needed to advise the juvenile court or the DHS OKDHS CW office about the existing child support order. That action does not cause reassignment of the child support case to Office B on OSIS.
- (D) Office B may request the child support case be transferred to that office when there are child support issues being addressed in the juvenile court. Upon dismissal of the juvenile court action, Office B transfers the case back to Office A.
- (2) Child support order within the district office service area. CSS staff builds and works the case.
- (3) Child support order outside the district office service area.
- (A) When there is an existing Family Group Number (FGN), CSS staff:
- (i) transfers the non-TANF (Temporary Assistance for Needy Families) SoonerCare (Medicaid) referral through the OSIS IV-A/OHCA Referral Listing (RFLI) screen or notifies the receiving office by email when the referral is received through the OSIS Pending Updates Inquiry (PUI) screen; and
- (ii) documents the reason for transfer on the CSLOGA screen.
- (B) When there is not an existing FGN, CSS staff:
- (i) transfers the non-TANF SoonerCare (Medicaid) referral through the RFLI screen or notifies the receiving office by email when the referral is received through the OSIS Pending Updates Inquiry (PUI) screen; and
- (ii) sends an email to the receiving office explaining the reason for the referral transfer.
4. Split jurisdiction. Split jurisdiction means a juvenile court (Court A) has exclusive jurisdiction over one or more children on a child support case while another court (Court B) retains jurisdiction over another child(ren) in the same family. In cases involving split jurisdiction, ~~CSS staff follows the procedures~~

~~in (1) and (2) of this Instruction.~~

~~(1) The the district office serving Court B coordinates to request Court A defer jurisdiction on paternity and child support issues to Court B to address all children on a single order.~~

~~(A)(1) When Court A defers jurisdiction to Court B, the district office serving Court B proceeds to establish paternity, establish child support orders, and enforce child support orders for all children.~~

~~(B)(2) When Court A does not defer jurisdiction to Court B, the district office serving Court B establishes paternity and establishes and enforces child support for the child(ren) who is not in the juvenile court case.~~

~~(2) Within Oklahoma County, split jurisdiction cases are assigned to the OKJ office. After the deprived action is dismissed, the child support case is transferred to the appropriate district office based upon the location of the previous order or new custodial person's Zip code when no order existed prior to the child's placement in DHS custody.~~

**5. Docketing examples:**

(1) There is one child support order entered in the deprived case for a mother to pay for children by multiple fathers. The child support order may be docketed in the appropriate county as to each father.

(2) A mother is ordered to pay child support for children she had by multiple fathers. There is an existing district court child support order for one child but not the others. The child support order from the deprived case is docketed in the existing district court case and in a new district court case for the child without a prior order.

(3) There is one child support order entered in the deprived case against one parent for children in multiple Family Group Numbers (FGN). The deprived case was dismissed, and the child support order could be docketed in multiple district court counties. Prior to docketing and transferring the cases to the child support offices that provide services in the counties for those district courts, the child support district office assigned to work the deprived case obtains amended child support orders in the deprived case to separate the obligations for each parent by children in each FGN.

(4) The mother is the only noncustodial parent and is ordered to pay child support of \$400 per month for four children in three separate FGNS. CSS staff prepares an amended child support order for \$100 per month per child for any child not residing with the mother at the time the juvenile case is dismissed. The child support district office staff assigned to work the deprived case files the amended orders with the deprived court and sends the orders to the district office that serves the county where the mother resides for docketing in that district court.

**6. The child support order is filed as a separate document and is not confidential. The order may be captioned with a different case style in order to enforce the child support order in an action other than the deprived proceeding.**

## PART 17. PAST SUPPORT

### 340:25-5-140. Past support [ITS Only]

(a) **Legal authority.** Oklahoma Department of Human Services, Child Support Services (CSS) takes appropriate action to collect support and secure compliance with support orders. ■ 1 & 2

(1) When a support order does not specify an effective date, a payment is due on the first day of the month following the entry of the child support order and on the first day of each month thereafter except when another state's law governs the due date.

(2) CSS bases its determination of past-due support and support for a prior period on information in available records from courts, Title IV-D and other public and private agencies, custodial persons (CPs), noncustodial parents (NCPs), and others.

(3) CSS may require sworn written statements and supporting documents from CPs, NCPs, and others pertaining to support payments. The primary legal foundations for determination and collection of past-due support and support for a prior period are applicable provisions of: ■ 2

(A) Part D of Subchapter IV of Chapter 7 of Title 42 of the United States Code;

(B) Section 1738B of Title 28 of the United States Code (28 U.S.C. § 1738B);

(C) Chapters 302 and 303 of Title 45 of the Code of Federal Regulations; and

(D) Sections 83 and 7700-636 of Title 10 (10 O.S. §§ 83 and 7700-636), Chapters 3 and 21 of Title 12, Title 43, and 56 O.S. §§ 231 through 240.23.

(b) **Judgment payment.** Per 43 O.S. § 137, the monthly payment schedule on past support may not exceed three years unless specific findings of fact supporting the action are made. CSS considers a three-year payment schedule to be unjust, unreasonable, inequitable, or inappropriate when CSS has evidence that the NCP cannot comply with the payment plan. CSS requests a monthly payment schedule that may exceed three years in accordance with the best evidence available, including the NCP's earning records, past job history, earning ability based on education and training, and mental or physical incapacities. CSS also considers an NCP's other child support obligations and total arrears. ■ 3

(c) **Enforcement.**

(1) CSS takes action to enforce past-due support and support for a prior period, per OAC 340:25-5, Part 23. ■ 1 & 4

(2) CSS collects amounts from the date of the original child support order, including any judgments for support for a prior period, and does not limit collection of past-due child support to amounts accruing from the time a case is opened or reopened. ■ 2

(3) When a case new to CSS or a case that was previously closed reopens and has an existing order, CSS does not calculate a past-due support balance or take action to enforce past-due support until 30-calendar days from the mailing date of the notice of case letter and affidavit of payments document to the NCP. This does not preclude the initiation of an income assignment to collect current support. ■ 2

(4) Past-due child support remains due to the CP with whom a child resided during the month the past support was due.

(5) When CSS takes action to enforce past-due support and support for a prior

period for a child of an NCP or a CP who is a servicemember, CSS applies the provisions of the Servicemembers Civil Relief Act, codified in 50 U.S.C. §§ 3901 through 4043. ■ 45

**(d) Settlement of past support.**

(1) Settlements of past support may include:

- (A) an NCP's lump sum partial payment or a series of payments made toward the total amount of past support;
- (B) an agreement for the NCP to pay a specified number of current child support payments in the future; and
- (C) acceptance of in-kind goods or services in exchange for waiving a certain amount of past child support.

(2) Settlements of past support must be memorialized in a court order and the CP must sign the court order when the past support is owed to the CP. ■ 56

(3) Per 43 O.S. § 112, CSS:

- (A) acknowledges the rights of the CP and NCP to mutually agree to waive with approval of the court, all or a portion of the past child support due to the CP; or
- (B) may negotiate the right to collect all or part of past support owed to Oklahoma. ■ 56

**(e) Annual notice.** CSS uses the annual notice to the NCP parent, per 56 O.S. § 237A to confirm the amount of past-due support and remaining balances on previously confirmed judgments. Past-due support and remaining balances on judgments for support for a prior period may also be confirmed during other enforcement actions, per OAC 340:25-5, Part 23. ■ 67

**(f) Death of CP.**

(1) When the CP dies, CSS issues child support payments for past due support to:

- (A) the decedent's estate, when notified in writing by the administrator of the estate; or
- (B) any state owed past due support, per OAC 340:25-5-351.

(2) Except as provided in (1) of this subsection, CSS refunds payments to the:

- (A) payor, when the payor's address is known;
- (B) NCP parent when the payor's address is unknown, or payments are returned due to the inability to distribute.

(3) CSS does not file a forced probate court action to determine heirs and distribute past support to heirs.

**(g) Jurisdiction.** When an Oklahoma tribunal has personal and subject matter jurisdiction and can obtain service of process on the NCP, CSS uses the annual notice, notice of support debt, contempt, or other appropriate proceedings to determine past support and interest before requesting a tribunal of another state to enforce the child support orders.

**INSTRUCTIONS TO STAFF 340:25-5-140**

**Revised 09-16-199-15-21**

**1. (a) In all cases, Oklahoma Department of Human Services, Child Support Services (CSS) staff requests the court set a periodic payment plan to collect past support.**

**(b) When the court determines a judgment at an amount different from the**

amount shown on the CSS arrearage computation presented to the court, CSS staff updates the court's:

- (1) judgment amount on the Oklahoma Support Information System (OSIS) Obligation screen; and
  - (2) decision and finding of fact, when included in the court order, on the OSIS Case Log (CSLOG) screen.
2. (a) Arrears are calculated and added to the case without waiting 30-calendar days, when:
- (1) there is no address for the noncustodial parent (NCP) and the custodial person (CP) returned an affidavit of payments;
  - (2) the NCP responds and does not dispute arrears; or
  - (3) both parties respond within 30-calendar days and there is no dispute as to the amount of arrears.
- (b) CSS staff files an action to determine arrears, when:
- (1) both parties respond and there is a dispute as to the arrears amount; and
  - (2) the NCP requests credit for non-cash support and the CP does not agree. CSS staff files the action without including credit for the non-cash support.
- (c) When the NCP fails to return the affidavit of payments, arrears are calculated and added to the case after 30-calendar days.
- (d) When only the NCP returns the affidavit of payments, CSS staff:
- (1) contacts the CP to verify the information provided by the NCP;
  - (2) enforces current support only from the date the obligation is built, until arrears are determined;
  - (3) reviews the case for noncooperation and case closure, when appropriate; and
  - (4) files an action to determine arrears and serves the CP, per Oklahoma Administrative Code (OAC) 340:25-3-3.
- (e) When neither party returns the payment affidavits, CSS staff does not calculate arrears or add arrears to the case and enforces current support only from the date the obligation is built. CSS staff requests arrears be reserved for further determination by the court.
3. (a) When requesting a monthly payment schedule on past support, CSS staff reviews available information that may include the following sources to determine the NCP's ability to pay:
- (1) OSIS screens, such as FCRL and OWL;
  - (2) Oklahoma Wage Report, available from the Oklahoma Employment Security Commission website at [https://www.ok.gov/oesc\\_web/index.html](https://www.ok.gov/oesc_web/index.html); and
  - (3) other sources as appropriate.
- (b) When the payment schedule exceeds three years, CSS documents in the court order that a three-year payment schedule is unreasonable or not in the best interests of the child(ren).
4. CSS continues to collect arrears that accrued under a valid district court temporary child support order when the underlying court action is later



dismissed as long as the support order was never vacated by the court.

45. (a) CSS staff follows the Guide to the Servicemembers Civil Relief Act (SCRA), available from the CSS InfoNet, for procedures regarding:
- (1) waivers of rights and protection, per SCRA;
  - (2) appearance in court actions;
  - (3) stays of court; and
  - (4) default orders.
- (b) When one of the parties to the case is in default, CSS staff confirms the military status of the defaulting party on the SCRA website, <https://scra.dmdc.osd.mil/scra/#/home>, and files the default affidavit with the court, per Sections 3901 through 4043 of Title 50 of the United States Code.
56. Settlement of past support. CSS staff includes the settlement terms, including any waivers of past support, in the court order. The district office CSS state's attorneys must approve all settlements of past support.
- (1) Past support owed to Oklahoma. When there is a settlement of past support owed to Oklahoma, the Unreimbursed Assistance balance is reduced by the amount of the assigned arrears being compromised. This provision does not apply in instances where the CP has multiple children on different child support cases.
  - (2) Past support owed to the CP. CSS staff drafts the court order with language that states the CP makes the waiver knowingly, voluntarily, and without coercion, and with the understanding that the CP may not make a claim for the waived child support amounts in the future.
67. When initiating an enforcement action, CSS staff reviews the case to determine if the current support obligation is in accord with the child support guidelines and whether to initiate a modification of the current support obligation, per OAC 340:25-5-198.2.

### **340:25-5-140.1. Interest**

Revised 09-16-199-15-21

- (a) **Legal authority.** Oklahoma Department of Human Services Child Support Services (CSS) collects and enforces interest on past-due Oklahoma court-ordered child support payments, per Section 114 of Title 43 of the Oklahoma Statutes (43 O.S. § 114).
- (b) **Support for a prior period.** CSS collects interest on support for a prior period, per Oklahoma Administrative Code (OAC) 340:25-5-179.1, and is calculated at a rate, per 43 O.S. § 114. ■ 1
- (c) **Accrual date.**
- (1) Interest accrues on any unpaid portion of the monthly current child support obligation on the first day of the month following the:
    - (A) due date specified in the court order; or
    - (B) entry date of the child support order when a support order does not specify a due date. ■ 2
  - (2) Interest accrues on a lump sum judgment for support for a prior period, accrued child care costs, or accrued fixed medical, from the first day of the month after the judgment is entered, per 43 O.S. § 114.
- (d) **Grace period and accrual.** CSS has a grace period when interest is not charged.

Interest begins to accrue from the first day of the month following the date the arrears are in excess of one month's current support. ■ 3

(e) **Interest on cash medical support.** CSS does not calculate or collect interest on unpaid cash medical support.

(f) **Servicemember relief.**

(1) Upon a servicemember's written request, an interest rate cap of 6 six percent applies to child support arrearages of members of the military service incurred prior to the start of military service, per Section 3937 of Title 50 of the United States Code. ■ 4

(2) The servicemember must provide a written request for reduced interest and a copy of the military orders calling the servicemember to service and any orders further extending military service to CSS no later than 180-calendar days after the date of the servicemember's termination or release from military service.

(3) Upon receipt of these documents, CSS applies the 6 six percent interest rate to child support arrearages existing as of the date when the servicemember is called to military service and throughout the active military service.

(4) CSS may initiate a court action to challenge the claim that the servicemember's military duty materially affected his ability to pay an interest rate over 6 six percent.

■ 5

(g) **Interest rate.**

(1) CSS calculates simple interest, per 43 O.S. § 114.

(2) For orders established in other states, the law of the state entering the order determines the amount and rate of interest due until a determination of controlling order is made. ■ 6 through 9

(3) For orders established in Oklahoma, Oklahoma law determines the amount and rate of interest due.

(4) When there are multiple child support orders and Oklahoma is determining the controlling order, CSS determines the rate of interest charged, per 43 O.S. § 601-604. ■ 6

(h) **Order silent as to interest.** When an order that settles or determines a past-due child support amount is silent as to interest, the party with the right to collect has not waived the interest. ■ 9

(i) **Enforcement.** Accrued interest is considered child support. Interest is included in enforcement remedies.

(j) **Incoming interstate cases.** In the absence of an Oklahoma order, CSS collects interest on incoming interstate cases when an initiating state calculates the interest owed and requests that CSS collect it. ■ 7 & 10

(k) **Outgoing interstate cases.** Before requesting a responding state to enforce a child support order(s) entered in a state other than the responding state, CSS calculates the arrears including the accrued interest claimed. ■ 7

(l) **Application of payments to interest.** CSS applies payments to interest, per OAC 340:25-5-351.

(m) **Waiver of interest.** CSS acknowledges the rights of the custodial person (CP) and noncustodial parent (NCP) to mutually waive, with approval of the court, all or a portion of the interest due to the CP.

(1) CSS may negotiate the right to collect all or part of the interest owed to

Oklahoma.

(2) Settlements of interest must be memorialized in a court order and may include:

(A) an NCP's lump sum partial payment or a series of payments; or

(B) an agreement for the NCP to pay:

(i) a specified number of current child support payments in the future; or

(ii) non-cash support. ■ 11

(n) **Reopening closed cases.** CSS does not reopen closed child support cases at the request of a customer for the purpose of collecting interest.

(o) **Interest on spousal support.** CSS does not calculate or collect interest on spousal support.

## **INSTRUCTIONS TO STAFF 340:25-5-140.1**

**Revised ~~9-15-199~~-15-21**

1. Orders for support for a prior period are obtained in paternity and notice of support debt cases, per Oklahoma Administrative Code (OAC) 340:25-5-179.1. Support for a prior period is defined, per OAC 340:25-1-1.1.

2. Oklahoma Department of Human Services, Child Support Services (CSS) staff attempts to calculate interest from the accrual date in the original child support obligation, unless interest was calculated and included in a judgment provision in a subsequent order. CSS staff uses Form 03EN002E, Affidavit of Child Support Payments Received, to obtain child support payment information from a custodial person (CP).

(1) When CSS staff does not have information on how a judgment was determined or on the amount of past-due child support accrued prior to when CSS opened the child support case, CSS staff mails the Interest Disclosure Notice document to the CP to gather information and determine the calculation period.

(2) When the CP fails to supply the information within two weeks or the information is not available, CSS staff updates the automated Oklahoma Support Information System (OSIS) with interest balances that have accrued on child support arrearages from the date adequate payment documentation exists. CSS staff includes the amount and time period of the interest accrued on the child support judgment in the child support order.

3. (a) Example 1: Noncustodial parent (NCP) is ordered to pay \$150 per month in current child support effective February 1. NCP pays \$0 in February and \$0 in March. NCP's child support arrears are not in excess of one month's current support until the March payment is missed. Therefore, interest accrues beginning April 1.

(b) Example 2: NCP is ordered to pay \$150 per month in current child support effective February 1. NCP pays \$75 in February and \$75 in March. At the end of March, NCP's child support arrears are not in excess of one month's current support. Therefore, no interest accrues as of April 1. If the NCP does not pay the full child support amount in April, interest will accrue beginning May 1.

4. Any arrearage incurred after the date the servicemember is called to active military service accrues interest at the statutory rate.

5. **CSS challenges the six percent interest rate if the servicemember is earning as much income in the military service as in non-military service.**
6. **When using the one-state process to enforce an order established in another state, it is the responsibility of CSS staff to calculate interest using the interest rate of the state that established the order, also known as the issuing state.**
7. (a) **When there is no initiating state, CSS staff calculates the interest due on all existing child support orders in an action to enforce those arrears, even when the order was entered in another state.**  
 (b) **To determine the current applicable interest rate for orders from other states, CSS staff looks in the Support Details section of the Intergovernmental Reference Guide (IRG) on the Office of Child Support Enforcement (OCSE) website.**  
 (c) **CSS staff consults with the district office CSS state's attorney to determine if the interest rate changed during the period when the arrears accrued.**
8. **CSS requests an Oklahoma court determine the accrued principal and interest and registers the order with the responding state for enforcement when:**
  - (1) **Oklahoma asks another state to enforce arrears due under an Oklahoma child support order; and**
  - (2) **service of process is obtained on all parties.**
9. **If the settlement or waiver is silent or ambiguous as to interest, CSS staff consults the CSS state's attorney for the steps to determine the intent of the parties as to settlement or waiver of principal and interest arrearage balances. This includes contacting the parties to determine their intent, memorializing the agreement, and may include filing an action to determine the total principal and interest arrearage amount.**
10. **When using the two-state process in interstate cases, per Section 601-604 of Title 43 of the Oklahoma Statutes, it is the initiating state's responsibility to calculate whether the NCP paid all current support, arrears, and interest under the law of the state that issued the order.**
11. **Waiver of interest.**
  - (1) **CSS staff uses the legal settlement document on OSIS, Custodial Person's Waiver of Interest in Conjunction with a Settlement.**
  - (2) **CSS staff includes the settlement terms of the waiver of interest in the court order. The district office CSS state's attorney must approve all interest settlements owed to Oklahoma.**

## **PART 20. MEDICAL SUPPORT**

### **340:25-5-169. Establishment of medical enforcement only cases**

Revised 09-15-179-15-21

- (a) **Legal authority.** Oklahoma Department of Human Services (~~DHS~~) (OKDHS) Child Support Services (CSS) follows Sections 302.33, 302.56, 303.30, and 303.31 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 302.33, 302.56, 303.30, and 303.31); Section 6058A of Title 36 of the Oklahoma Statutes (36 O.S. § 6058A); 43 O.S. §§ 112, 118F, 118.2, and 119; and 56 O.S. § 237.
- (b) **Medical enforcement only (MEO) status.** When a person receiving non-TANF

(Temporary Assistance for Needy Families) SoonerCare (Medicaid) notifies CSS that only Title IV-D services related to securing medical support are requested, CSS updates the case as an MEO case and does not provide full child support services, per Oklahoma Administrative Code (OAC) 340:25-1-1.2. ■ 1 & 2

**(c) Services provided on MEO cases.**

(1) CSS establishes paternity, when necessary, and a child support order. The child support order must include a provision for:

- (A) current child support, per OAC 340:25-5-178;
- (B) support for a prior period, per OAC 340:25-5-179.1, when appropriate; and
- (C) medical support, per OAC 340:25-5-168.

(2) CSS conducts a review of the order, per OAC 340:25-5-198.1, and seeks a modified order including a provision for medical support when:

- (A) the existing child support order does not include a medical support provision;
- (B) insurance is not available for the child(ren); or
- (C) a parent or custodial person claims the available health insurance is not accessible or reasonable in cost.

**(d) Exception to MEO status.** CSS opens a full-service case on all of the custodial person's (CP) child support cases when CSS receives a non-TANF SoonerCare (Medicaid) referral, per OAC 340:25-5-117, from the Oklahoma Health Care Authority and:

- (1) assigned court-ordered child support is owed, per OAC 340:25-5-117;
- (2) the child(ren) is in a deprived or delinquent juvenile court action; or
- (3) assigned cash medical support is owed, per OAC 340:25-5-117; or
- ~~(4) the CP is a child care subsidy recipient.~~ ■ 1 through 3

**INSTRUCTIONS TO STAFF 340:25-5-169**

**Revised ~~9-15-179-15-21~~**

1. ~~Oklahoma Department of Human Services (DHS)~~ **(OKDHS) Child Support Services (CSS) staff initially builds all cases as full-service cases. When a child support order is established, CSS staff indicates that the custodial person requested a medical enforcement only (MEO) case by updating the Custodial Person Data Update (CCPU) screen on the Oklahoma Support Information System (OSIS) with an MEO begin date.**
2. **When the child(ren) on the case is on SoonerCare (Medicaid) and health insurance or a cash medical support order of \$0 is ordered for the child(ren), CSS staff updates the case as an MEO case at the custodial person's request.**
3. **When CSS establishes a child support order with a medical support provision for cash medical support greater than \$0 assigned to the Oklahoma Health Care Authority, per Oklahoma Administrative Code 340:25-5-117, CSS staff must not update the case as an MEO case.**

**PART 21. ESTABLISHMENT**

**340:25-5-176. Establishment of parentage [ITS Only]**

(a) **Legal authorities.** Oklahoma Department of Human Services Child Support Services (CSS) establishes parentage and provides genetic testing when appropriate based on the facts of the case, per:

(1) Sections 653, 654, and 666 of Title 42 of the United States Code (42 U.S.C. §§ 653, 654, & 666);

(2) Parts 302 and 303 of Title 45 of the Code of Federal Regulations; and

(3) Sections 83, 90.4, and 7700-101 - 7700-902 of Title 10 of the Oklahoma Statutes (10 O.S. §§ 83, 90.4, and 7700-101 - 7700-902), 43 O.S. §§ 601-201, 601-401, & 601-701, 56 O.S. §§ 230.60, 231 - 240.23, and 63 O.S. §§ 1-311 and 1-321. ■ 1 through 7

(b) **Legal parents.** CSS applies the presumptions in 10 O.S. § 7700-204(A)(1) through (4) to an individual when the individual and the woman who gave birth to the child are married. CSS applies the presumption in 10 O.S. § 7700-204(A)(5) to an individual regardless of gender. CSS requests the court confirm parentage in cases where the individual is a presumed parent. ■ 8

(c) **Acknowledgment of Paternity.** Form 03PA209E, Acknowledgment of Paternity, can only be completed by the biological mother and biological father of the child, per 10 O.S. § 7700-301. CSS provides Form 03PA209E for voluntary acknowledgment of paternity, per 10 O.S. § 7700-312 and 63 O.S. §§ 1-311 and 1-311.3. CSS also provides companion forms that include instructions for completion, described (1) through (4) of this subsection. Signed and witnessed forms must be filed with the Oklahoma State Department of Health (OSDH), Division of Vital Records.

(1) When parents of an adult child, 18 years of age and older, complete Form 03PA209E, the adult child must give consent to add the natural father's name to the birth certificate. The child indicates consent by signing Form 03PA212E, Adult Child's (18 Years or Older) Consent.

(2) Form 03PA210E, Denial of Parentage, must accompany Form 03PA209E when the mother of a child is married to someone other than the natural father and the child is born within 300-calendar days after the marriage is terminated, per 10 O.S. § 7700-204. ■ 9

(3) CSS provides Form 03PA211E, Rescission of Acknowledgment of Paternity, to rescind the legal finding of parentage created by having previously signed Form 03PA209E, per 10 O.S. §§ 7700-307 and 7700-312. This form must be completed, signed, and filed with the OSDH Division of Vital Records within 60-calendar days after the date of the last signature on Form 03PA209E.

(A) When a person submits Form 03PA211E within 60-calendar days after the date of the last signature on Form 03PA209E, CSS sends notice of the rescission to all other signatories on Forms 03PA209E and 03PA210E. Notice is given by mailing a copy of the rescission to the address of the signatories as shown on Forms 03PA209E and 03PA210E and to the last-known address of the signatories, if different.

(B) When rescissions are submitted to CSS past the 60-calendar day time period, CSS sends a letter to the person who submitted Form 03PA211E informing him or her that the rescission is invalid because it was not timely submitted.

(4) CSS provides Form 03PA213E, Rescission of Denial of Parentage, to rescind the legal finding of parentage created by having previously signed Form 03PA210E, per 10 O.S. §§ 7700-307 and 7700-312. Form 03PA213E must be completed, signed, and filed with the OSDH Division of Vital Records within 60-calendar days after the date of the last signature on Forms 03PA209E and 03PA210E. ■ 9

(A) When a person submits Form 03PA213E to CSS within 60-calendar days after the date of the last signatures on Forms 03PA209E and 03PA210E, CSS sends notice to all other signatories of Forms 03PA209E and 03PA210E. Notice is given by mailing a copy of Form 03PA213E, to the address of the signatories as shown on Forms 03PA209E and 03PA210E and to the last known addresses of the signatories, if different.

(B) When Form 03PA213E is submitted to CSS past the 60-calendar day time period, CSS sends a letter to the person who submitted Form 03PA213E informing him or her that the rescission of denial of parentage is invalid because it was not timely submitted.

(d) **Servicemembers.** When CSS establishes parentage and either parent is a servicemember, CSS applies the provisions of the Servicemembers Civil Relief Act, codified in 50 U.S.C. §§ 3901 through 4043. ■ 10

(e) **Genetic testing of relatives.** When CSS has the cooperation of a deceased alleged biological father's relatives, CSS establishes parentage of the child(ren) through genetic testing of the relatives as necessary according to the standards and provisions of the Uniform Parentage Act, 10 O. S. §§ 7700-501-7700-511. ■ 6 & 11

(f) **Supplemental Security Income (SSI).** CSS establishes parentage against a parent who is disabled and receiving monthly SSI before reviewing the case for possible closure, per Oklahoma Administrative Code (OAC) 340:25-5-123.

(g) **Defaults.**

(1) CSS pursues all alleged **biological** fathers before requesting the court enter a default parentage order. ■ 12

(A) CSS requests a default order when genetic testing shows one alleged father is the biological father or all other alleged fathers are excluded by genetic testing. CSS uses other legal processes to compel genetic testing, such as license revocation or contempt of court proceedings. ■ 12 & 13

(B) CSS requests the court determine parentage when unable to obtain genetic testing on two or more alleged biological fathers.

(2) CSS does not request a default parentage order when the alleged biological father is the case applicant and the CP objects to the alleged biological father being found the father without genetic testing. When a default parentage order is entered and either party contacts CSS in writing within 30-calendar days of entry of the default order, CSS treats the request as a motion to rehear, vacate, or modify, per 12 O.S. § 1031.1. CSS takes necessary steps to bring the action before the court for resolution. ■ 14

(3) When requesting a default parentage order CSS follows OAC 340:25-5-134.

(h) **Genetic testing costs.** Costs incurred in parentage establishment cases are paid per (1) through (4) of this subsection. ■ 15

(1) CSS advances the costs for genetic testing and recovers the genetic test costs from the noncustodial parent or as ordered by the court.

(2) When CSS genetic test results are contested, CSS requests payment in advance of a second genetic test by the requesting party.

(3) When a court orders CSS to provide genetic testing and CSS does not have a case open for services, CSS requires a party to complete an application for services.

(4) In interstate cases, CSS follows OAC 340:25-5-270.

(i) **Genetic testing services.**

(1) When parentage is not established, CSS performs genetic testing when appropriate before establishing parentage and child support orders. CSS only performs genetic testing in open, full-service cases.

(2) The case applicant may apply for case closure, per OAC 340:25-5-123 after parentage and child support are established.

(3) CSS does not provide genetic testing only services.

**INSTRUCTIONS TO STAFF 340:25-5-176**

**Revised ~~09-16-199~~-15-21**

1. The Oklahoma Department of Human Services (~~DHS~~) (**OKDHS**) Director authorizes Child Support Services (CSS) state's attorneys, as designees, to approve orders for genetic testing issued by the Director's authority, per Section 240.23 of Title 56 of the Oklahoma Statutes (56 O.S. § 240.23), through the CSS Director's director's Authorization memorandum, dated December, 2012.

2. When an alleged parent is the custodial person (CP) and parentage was not legally established, CSS establishes parentage within the action to establish a child support obligation against the noncustodial parent (NCP).

3. (a) The P04, Parentage Questionnaire, is an essential step in CSS establishment actions. This includes actions involving Acknowledgments of Paternity, married and separated parents, or any other establishment action. CSS staff proceeds with a parentage action when the case file includes a completed and signed P04 for each child. When CSS is unable to obtain a P04 completed and signed by the person who gave birth to the child, staff consults the CSS state's attorneys to determine how to proceed. The state's attorney may determine the P04 is not necessary to proceed, depending on the circumstances of the case. Possible actions include, but are not limited to:

(1) initiating noncooperation processes, per Oklahoma Administrative Code (OAC) 340:25-5-114;

(2) applying for a citation for contempt in district court for failure to comply with an order compelling the mother to furnish the information, per 75 O.S. § 315;

(3) sending discovery requests to any person who may have the required information as provided by the Oklahoma Discovery Code, 12 O.S. §§ 3224 et seq.; or

(4) proceeding with a Notice of Paternity and Support Obligation (NOPSO) based on the information available at the time. If the mother fails to appear for court on the NOPSO after being properly served, per 12 O.S. § 2004, CSS may request a default order when the state's attorney determines



there is sufficient legal basis to request a default order without the participation of the mother.

- (b) CSS staff includes Form 03PA208E, Paternity Petition Cover Sheet, on every paternity action, as it explains the paternity action and the legal consequences when the alleged biological father does not respond in writing or appear at the hearing.
4. When an alleged parent is incarcerated, CSS serves the alleged parent with the parentage pleadings, and may also send a copy of the pleadings, a waiver of service, and when appropriate a genetic test order by regular mail. CSS staff schedules genetic testing for an incarcerated, alleged father unless the father acknowledges parentage in writing or through court testimony.
  5. When a party presents a genetic test result from an outside lab, CSS staff requests the state's attorney review the results prior to proceeding further. When the genetic test results are from a lab accredited, per 10 O.S. § 7700-503, the results are admissible, per 10 O.S. § 7700-621, and the state's attorney accepts the genetic test results, CSS agrees to offer the genetic test results to the court as evidence of paternity. When the state's attorney questions the validity of the test, CSS requests a genetic test from the CSS contracted lab.
  6. (a) When genetic testing is appropriate in more than one case, CSS may request the genetic testing lab use a genetic test sample previously drawn for another case when:
    - (1) CSS verifies the genetic test results are available;
    - (2) there are no outstanding issues in the case where the specimen was collected that require the specimen to be retained or retested; and
    - (3) the donor of the genetic sample provides written permission to reuse the specimen.(b) When the donor is deceased, fails to appear, or does not give permission to reuse the specimen, the CSS state's attorney may request a court order allowing the use of the previous genetic test specimen, per 10 O.S. §§ 7700-508 and 509.
  7. CSS may file an action to determine parentage when a person claiming to be a non-biological parent requests assistance to adjudicate his or her parentage of a child born during a same-sex relationship.
  8. When a non-public assistance application, an Adult and Family Services Temporary Assistance for Needy Families (TANF), or non-TANF SoonerCare (Medicaid) referral indicates the parents were common-law married, CSS staff does not consider this as establishing a presumption of paternity in the common-law husband, per 10 O.S. § 7700-204. Instead, CSS staff works this fact pattern as a paternity case and files a Notice of Paternity and Support Obligation court action.
  9. CSS staff redacts all Social Security numbers when Forms 03PA209E, Acknowledgment of Paternity; 03PA210E, Denial of Paternity; 03PA211E, Rescission of Acknowledgment of Paternity; or 03PA213E, Rescission of Denial of Paternity, are used as an exhibit to a court action.
  - 10.(a) CSS staff follows the Guide to the Servicemembers Civil Relief Act (SCRA), available from the CSS InfoNet for procedure regarding:

- (1) waivers of rights and protection under the SCRA;
- (2) appearance in court actions;
- (3) stays of court; and
- (4) default orders.

(b) When a party to the case is in default, CSS staff confirms the military status of the defaulting party on the SCRA website, <https://scra.dmdc.osd.mil/scra/#/home>, and files the default affidavit with the court in accordance with Sections 3901 through 4043 of Title 50 of the United States Code.

- 11. When a relative does not volunteer to participate in the genetic testing, CSS does not file a forced probate court action to establish paternity against a deceased, alleged, biological father.
- 12. When there are multiple, alleged, biological fathers, CSS staff initiates cases on all alleged biological fathers and updates cases, per OAC 340:25-5-117 Instructions to Staff ~~3~~ # 4.
- 13. CSS staff does not request a default order be entered against an alleged biological father until all other alleged biological fathers are excluded by genetic testing and CSS has attempted all legal processes to compel genetic testing.
- 14. (a) When a party contacts CSS within 30-calendar days to request reconsideration of a default paternity order, CSS staff notifies the party that he or she must make the request in writing within 30-calendar days of the entry of the default order. CSS staff provides the party with an appropriate CSS pro se self-help motion.  
 (b) After one party files a written request, CSS sets the case for hearing and notifies the parties by mail under Rule 2 of the Rules for District Courts. The CSS state's attorneys prepare a genetic test order and request the court reserve the motion to vacate pending the outcome of genetic testing. After testing is complete, CSS requests the court either:
  - (1) dismiss or deny the motion to vacate and leave the default order in effect;
  - (2) enter a new order replacing the default order; or
  - (3) vacate the default order by agreement and dismiss the paternity case when the NCP is excluded as the biological father.
- 15. CSS seeks reimbursement for genetic testing costs from the man identified as the child's father, per 10 O.S. § 7700-506, even when the father is the CP.

**340:25-5-179.1. Establishment of support for a prior period**

Revised ~~09-16-209-15-21~~

- (a) Oklahoma Department of Human Services Child Support Services (CSS) establishes support for a prior period.
  - (1) In parentage and establishment cases, CSS establishes current support and support for a prior period at the same time, per Sections 83 and 7700-636 of Title 10 (10 O.S. §§ 83 and 7700-636), 43 O.S. §§ 118-118I and 119, and 56 O.S. § 238.6B. ■ 1 & 2 through 3
  - (2) When a child(ren) is born during a marriage and no order addressing support for

a prior period exists, CSS establishes support for a prior period, per 43 O.S. §§ 118-118I and 119, and 56 O.S. § 238.1. ■ 1 & 2

(A) CSS establishes support for a prior period under this subsection only when:

(i) current child support is ~~seught~~ initially established; ■ 4 and

(ii) Temporary Assistance for Needy Families (TANF) or Title IV-E and non-Title IV-E eligible foster care has been expended in any month during the past two years.

(B) CSS limits this prior period to the number of months on TANF or Title IV-E and non-Title IV-E eligible foster care during the two years immediately before the date CSS files the court action.

(b) When a child support order is entered against a minor noncustodial parent (NCP), CSS establishes support for a prior period under the criteria for establishing current child support, per Oklahoma Administrative Code (OAC) 340:25-5-178.

(c) CSS does not establish an order for support for a prior period on an incarcerated NCP. ■ 3-4 through 6

~~(1) When establishing an order on an incarcerated NCP, CSS requests the court not address the amount of child support for any periods prior to the entry of the court order.~~

~~(2) The issue of support for a prior period may be determined after release from incarceration by application of any party.~~

~~(3) Upon release from incarceration, when the issue of support for a prior period is before the court, CSS requests the court set the amount based on actual income for any time periods during which the NCP was incarcerated. ■ 45~~

(d) When CSS establishes an order for support for a prior period for a child of an NCP or a custodial person who is a servicemember, CSS applies the provisions of the Servicemembers Civil Relief Act, codified in Sections 3901 through 4043 of Title 50 of the United States Code. ■ 57

(e) When the NCP is a current TANF or Supplemental Security Income (SSI) recipient and CSS:

(1) has information that the NCP had no obligation based on the child support guidelines for the prior period, CSS requests the court set the judgment at \$0; or

(2) determines a debt may be owed for a prior period, CSS requests the court reserve the issue of support for a prior period until the NCP is no longer receiving TANF or SSI.

(f) CSS sets a monthly payment schedule, per OAC 340:25-5-140.

### **INSTRUCTIONS TO STAFF 340:25-5-179.1**

Revised ~~09-16-199~~-15-21

**1. In all cases, Oklahoma Department of Human Services Child Support Service (CSS) staff requests the court set a periodic payment plan to collect support for a prior period.**

**2. When a custodial person (CP) fails to appear in an establishment action, CSS reserves any judgment owed to the CP for support for a prior period. CSS staff requests a judgment for any time periods assigned to the state.**

**3. When calculating judgments for support for a prior period, CSS staff give credit against either parent's gross income for out-of-home and in-home**

qualified other child(ren), per Section 118C of Title 43 of the Oklahoma Statutes.

~~24. When a custodial person (CP) fails to appear in an establishment action, CSS reserves any judgment owed to the CP for support for a prior period. CSS staff requests a judgment for any time periods assigned to the state. When current support is being established and support for a prior period is reserved or not addressed, CSS does not file a subsequent court action to obtain a judgment for those amounts. CSS staff informs parties to proceed with their own court action to establish a judgment for support for a prior period. Examples when this applies is when the:~~

~~(1) custodial person fails to appear for the hearing after service; or~~

~~(2) noncustodial parent is incarcerated.~~

~~35. When support for a prior period is not determined, CSS staff does not build balances in the CSS computer system since no determination was made regarding the amounts due. CSS staff does not remove balances from the CSS computer system when modifying an existing order for an incarcerated noncustodial parent (NCP) with a judgment or arrears balance.~~

~~46. CSS staffs follow Oklahoma Administrative Code 340:25-5-178(k) when establishing or modifying a child support order for an incarcerated NCP.~~

~~57. (a) CSS staff follows the Guide to the Servicemembers Civil Relief Act (SCRA), available from the CSS InfoNet for procedure regarding:~~

~~(1) waivers of rights and protection per SCRA;~~

~~(2) appearance in court actions;~~

~~(3) stays of court; and~~

~~(4) default orders.~~

~~(b) When a party to the case is in default, CSS staff confirms the military status of the defaulting party on the SCRA website, <https://scra.dmdc.osd.mil/scra/#/home>, and files the default affidavit with the court in accordance with Sections 3901 through 4043 of Title 50 of the United States Code.~~

## PART 22. REVIEW AND MODIFICATION

### **340:25-5-198.2. Modification [ITS Only]**

(a) **Authority for modification.** Oklahoma Department of Human Services (DHS) Child Support Services (CSS) may initiate modification of a child support order per Section 303.8 of Title 45 of the Code of Federal Regulations (45 C.F.R. §303.8), Sections 112, 118-118I, 118.1, 119, 601-611, 601-613, and 601-615 of Title 43 of the Oklahoma Statutes (43 O.S. §§ 112, 118-118I, 118.1, 119, 601-611, 601-613, and 601-615), and 56 O.S. § 237. CSS initiates a modification in the appropriate tribunal when facts indicate modification is warranted under applicable state or federal law or regulation.

(b) **Modification of child support order.** CSS seeks a modification when: ■ 1 &—2 through 3

(1) there is a material change in circumstances per 43 O.S. § 118I including, but not limited to:

- (A) a change in either parent's gross income or changes in child support guideline calculation, such as child care expenses or medical support;
  - (B) a child reaching the age of majority per 43 O.S. § 112;
  - (C) a component of or the new current child support amount is 20 percent higher or lower than the existing order;
  - (D) there is a change in physical custody verified, per Oklahoma Administrative Code (OAC) 340:25-5-201.1;
  - (E) the noncustodial parent is incarcerated for at least 180-calendar days per 45 C.F.R. § 303.8 and OAC 340:25-5-178(k); ■ 34
  - (F) one of the parents is determined disabled by the Social Security Administration and the parent is receiving Supplemental Security Income or Social Security Disability Income; or ■ 45
- (2) per 56 O.S. § 237 when the evidence in the case justifies a modification regardless of whether there has been a change of circumstances including, but not limited to, when:
- (A) the original order fails to set child support according to the guidelines;
  - (B) an adjustment is needed to maximize a noncustodial parent's (NCP's) available income to meet the current child support obligation in each of the NCP's cases; or
  - (C) a parent provides proof the child support obligation is being satisfied in full or in part by an apportionment of the veteran's disability compensation. ■ 56

**(c) Modification of medical support order.**

- (1) CSS seeks a modification of a medical support order, when:
- (A) there is no existing order for either parent to provide dependent health care coverage. CSS initiates a modification of a support order to require either or both parents to provide dependent health care coverage when CSS obtains information the child(ren) is not covered under an existing health care plan, regardless if coverage is currently available to either parent;
  - (B) the availability of medical insurance changes;
  - (C) there is an order for the custodial person to provide medical support for the minor child(ren) and enforcement of the order is not appropriate per 43 O.S. § 139.1 or 21 O.S. § 566;
  - (D) an order for the NCP to provide medical insurance and the release of information necessary for enrollment of the child is inappropriate due to family violence and a cash medical order is appropriate per OAC 340:25-5-198; or
  - (E) there is an order for a parent to provide medical insurance, the applicant for child support services did not request services against that parent, and the ordered parent is not actually providing medical insurance for the child. ■ 67
- (2) When CSS participates in the modification of a child support order filed by a party, CSS requests the court order contain a provision for medical support consistent with OAC 340:25-5-168.
- (3) When a child support order exists, CSS considers a request to establish a medical support order as a request for modification of the order per 43 O.S. § 118.1. CSS seeks a medical support order in a tribunal with jurisdiction to modify the child support order and follows procedures per OAC 340:25-5-198.1.
- (4) When cash medical support is ordered as part of a modification action, CSS

requests a cash medical support order be effective the same date the modified child support amount is effective, unless the parties agree to a different date or the change in health coverage cost or availability occurred on a later date.

## **INSTRUCTIONS TO STAFF 340:25-5-198.2**

**Revised ~~09-16-199-15-21~~**

- 1. Upon completion of a child support order modification, Oklahoma Department of Human Services Child Support Services (CSS) staff updates the OBLRV screen in the Oklahoma Support Information System (OSIS) associated with the current support amount that was modified.**
- 2. When there is a subsequent child(ren) born to parents who live in the district office's county, the district office requests the court modify the valid underlying order.**
- 3. ~~CSS staff does not remove balances from the CSS computer system when modifying an existing order for an incarcerated NCP with a judgment or arrears balance.~~ When a custodial person (CP) fails to appear for the modification hearing after service, CSS state's attorneys decide when to ask the court to confirm a judgment for arrears that accrued under the prior order.**
- 4. CSS staff does not remove the judgment or arrears balances from the CSS computer system when modifying an existing order for an incarcerated noncustodial parent (NCP). CSS state's attorneys decide when to ask the court to confirm a judgment for arrears that accrued under the prior order.**
- 45. When a parent is receiving Supplemental Security Income, staff follows Oklahoma Administrative Code (OAC) 340:25-5-178 and Instructions to Staff (ITS).**
- 56. CSS requests the court consider the apportionment of the veteran's disability compensation amount, per OAC 340:25-5-178 and ITS.**
- 67. When a third party custodial person does not seek services against one of the parents and that parent is ordered to provide medical support for the child, CSS cannot enforce the medical support order. Therefore, when the ordered parent is not providing the medical insurance, CSS seeks modification to establish the medical support order against the parent for whom CSS has an open case.**

## **PART 23. ENFORCEMENT**

### **340:25-5-200. Enforcement**

**Revised ~~09-16-199-15-21~~**

(a) **Scope and applicability.** ~~The Oklahoma Department of Human Services Child Support Services (CSS) follows Part D of Subchapter IV of Chapter 7 of Title 42 and Section 1738B of Title 28 of the United States Code (28 U.S.C. § 1738B), Section 303.6 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 303.6), and Section 240.1 of Title 56 of the Oklahoma Statutes (56 O.S. § 240.1) in initiating enforcement proceedings.~~

(1) Orders for current and past child and spousal support, health care coverage, fixed amounts of medical support, judgments, and delinquencies may be enforced

through expedited and judicial processes, or through other collection efforts. ■ 1

(2) Past-due child support is a judgment by operation of law and may be enforced in the same manner as any other money judgment per 43 O.S. § 137.

(3) Post-judgment remedies do not require an adjudicated judgment by a district or administrative court.

(4) Each missed support payment is a judgment; thus, a judgment increases with each missed payment. This total judgment becomes a lien on the real and personal property of the noncustodial parent (NCP).

(b) **Non-Oklahoma support order.** CSS registers a support order from another state, Native American tribe, territory, or foreign country, per subsection (b) of the Full Faith and Credit for Child Support Orders Act, codified in 28 U.S.C. § 1738B(b), and 43 O.S. § 601-101(21) when enforcement of the order is sought.

(c) **Multiple support orders.** When multiple child support orders are entered in the same or different tribunals involving the same NCP and child, CSS seeks a determination of controlling order, per 43 O.S. §§ 601-207, 601-307, and 601-601 through 601-603, and Oklahoma Administrative Code (OAC) 340:25-5-270.

(d) **Legal remedies.** CSS determines appropriate enforcement actions and may use any legal remedy to enforce support obligations. ■ 1 CSS chooses remedies designed to obtain compliance with an obligor's support obligations and does not use any remedy for the purpose of punishment. When an NCP is participating in the CSS problem-solving court program or complying with a seek work order, CSS considers the NCP's participation and compliance, per OAC 340:25-5-200.3, when choosing enforcement remedies. Remedies CSS may use include, but are not limited to:

(1) annual notice to NCPs, per 56 O.S. § 237A, and OAC 340:25-5-213;

(2) income assignment, garnishment, and levy, per Chapter 21 of Title 12, 43 O.S. §§ 115 and 601-501 through 601-507, 56 O.S. §§ 237, 240.2, and 240.23, and 42 U.S.C. § 666; ■ 2

(3) hearing on assets, per 12 O.S. § 842;

(4) intercept of federal tax refunds, per 42 U.S.C. § 664, 31 C.F.R. § 285.3, and 45 C.F.R. § 303.72, OAC 340:25-5, Part 25. Intercept of state tax refunds, per 45 C.F.R. § 303.102, 68 O.S. § 205.2, and OAC 340:25-5, Part 27;

(5) administrative offsets, per 31 U.S.C. § 3716, 31 C.F.R. § 285.1, and Executive Order 13019;

(6) denial, revocation, or suspension of United States passports, per 56 O.S. § 240.1, and 42 U.S.C. §§ 652 and 654;

(7) revocation, suspension, non-renewal, and non-issuance of various licenses including, but not limited to, revocations of certificates of motor vehicle titles, per 43 O.S. §§ 139 and 139.1 47 O.S. §§ 1-153, 6-201, ~~6-201.4~~, and 6-211, and 56 O.S. §§ 237.1 and 240.15 through 240.21A;

(8) imposing liens and executing and levying on personal and real property, including, but not limited to, workers' compensation benefits, personal injury, wrongful death, and probate actions, per 43 O.S. § 135, 56 O.S. §§ 237B and 240.23, and Titles 12 and 58 of the Oklahoma Statutes; ■ 3 & 4

(9) registration of foreign support orders, per the Uniform Interstate Family Support Act, per 43 O.S. §§ 601-100 through 601-903;

- (10) credit bureau referrals, per 42 U.S.C. § 666 and 15 U.S.C. § 1681b, 56 O.S. § 240.7, and OAC 340:25-5, Part 31;
- (11) financial institution data match, per 42 U.S.C. §§ 666 and 669A, 56 O.S. §§ 240.22 through 240.22G, and OAC 340:25-5-212;
- (12) seek work orders, per 56 O.S. § 240.10;
- (13) indirect civil contempt of court, per 21 O.S. §§ 566 and 567, 43 O.S. § 137, and 56 O.S. § 234. CSS does not use contempt as a penal sanction and does not recommend incarceration to the district court at sentencing in an indirect civil contempt proceeding unless there is evidence or information available that the obligor can purge the contempt. CSS asks the court to set a reasonable purge fee, per Rule 8.3 of the Rules of the District Court; ■ 5 & 6
- (14) action to void the transfer or obtain favorable settlement in cases in which a debtor transferred income or property to avoid payment to a child support creditor, per the Uniform Fraudulent Transfer Act, 24 O.S. §§ 112 through 123 and 42 U.S.C. § 666;
- (15) registration of foreign judgments, per the Uniform Enforcement of Foreign Judgments Act, 12 O.S. §§ 719 through 726;
- (16) criminal actions brought, per 21 O.S. § 852;
- (17) civil actions brought, per 42 U.S.C. § 660;
- (18) transfer of child support obligation to another custodian, per 56 O.S. § 237;
- (19) referral to the United States Attorney for federal prosecution, per 18 U.S.C. § 228;
- (20) full collection services by the Secretary of the Treasury, per 6305 of the Internal Revenue Code of 1954; and
- (21) attachment of lottery prize winnings from the Oklahoma Lottery Commission, per 3A O.S. § 724.1.

(e) **Servicemember.** When CSS initiates proceedings to enforce a child support order for a child of an NCP or a custodial person who is a servicemember, CSS applies the provisions of the Servicemembers Civil Relief Act, per 50 U.S.C. §§ 3901 through 4043. ■ 7

## **INSTRUCTIONS TO STAFF 340:25-5-200**

**Revised ~~9-16-199-15-21~~**

1. The Oklahoma Department of Human Services (~~DHS~~) (**OKDHS**) Director authorizes Child Support Services (CSS) state's attorneys and caseworkers to approve subpoenas, issued by the Director's authority, per Section 240.23 of Title 56 of the Oklahoma Statutes (56 O.S. § 240.23), through the ~~DHS~~ **OKDHS** Director's Authorization memorandum, dated December, 2012.
2. (a) CSS does not send a notice of income assignment to an employer in another state when there is an active full-service outgoing interstate referral.  
 (b) CSS staff sends a manual notice of income assignment to an employer, checking the "One-Time" box, when CSS staff learns an employer is going to pay a noncustodial parent (NCP) a lump sum payment, such as, but not limited to, a bonus, strike, vacation, or severance pay.
  - (1) CSS staff considers the arrearage, including interest subject to the withholding limits, per 12 O.S. § 1171.2. When the arrearage, including



interest is less than the allowable withholding amount available from the lump sum payment, CSS staff advises the employer to withhold the lesser amount.

(2) When a CSS state's attorney's review of the child support case results in a legal decision to collect the entire lump sum, CSS staff also sends a notice of lien to an employer.

3. CSS state's attorneys endorse checks in exchange for a payment in an amount that satisfies in full or in part, the CSS lien for workers' compensation benefits, personal injury proceeds, or any child support lien. The CSS office where the check is presented confirms the amount of the settlement with the assigned CSS office prior to endorsing the check and accepting a payment in satisfaction.
4. (a) When an NCP dies, CSS proceeds with case closure, per Oklahoma Administrative Code 340:25-5-123, unless CSS staff is aware of a pending probate action.  
(b) When the district office is aware of a probate action and there are funds to be distributed, CSS staff files a lien.  
(c) When there is no probate action pending at the time of case closure, the district office may provide the custodial person (CP) a record of payments for the CP to pursue collection against the estate.
5. (a) In a contempt action, CSS staff follows the Contempt User Guide, available on the CSS Infonet.  
(b) When requesting incarceration, CSS state's attorneys:
  - (1) request the court hold an evidentiary hearing on the obligor's present ability to purge. CSS state's attorneys request the court set a purge amount per Rule 8.3 of the Rules for the District Courts (Rule 8.3) and the evidence elicited at the hearing;
  - (2) may request purge conditions that are less than the full sentence allowed or for less than the full amount owed. For example, CSS state's attorneys may request incarceration for less than the statutory period of 180-calendar days and a purge amount of less than the full amount owed in order to coerce the obligor's partial compliance. When this occurs, CSS state's attorneys request the obligor continue paying based on a new payment plan and the provisions of the court's order for release, per Rule 8.3(e)(3);
  - (3) request alternative sentencing options, per 21 O.S. § 566.1, as part of the purge when appropriate, including, but not limited to:
    - (A) ordering obligor to participate in the problem solving court program;
    - (B) weekend jail; or
    - (C) ankle monitors that allow the obligor to maintain employment; and
  - (4) ensure a record memorializing the evidence is made. When possible, CSS state's attorneys request a court reporter record the proceedings. When a court reporter is not available, CSS state's attorneys draft a Journal Entry and narrative when appropriate that includes all of the evidence submitted to the court and the court's specific findings regarding the purge conditions.

6. When CSS files a contempt action with the court, staff attaches the Notice of Your Rights in Civil Contempt Actions to the contempt citation and application packet, as an exhibit.
7. (a) CSS staff follows the Guide to the Servicemembers Civil Relief Act (SCRA), available from the CSS InfoNet for procedure regarding:
  - (1) waivers of rights and protection under SCRA;
  - (2) appearance in court actions;
  - (3) stays of court;
  - (4) default orders; and
  - (5) enforcement actions affected by SCRA.
- (b) When a party to the case is in default, CSS staff confirms the military status of the defaulting party on the SCRA website, <https://scra.dmdc.osd.mil/scra/#/home>, and files the default affidavit with the court, per Sections 3901 through 4043 of Title 50 of the United States Code.

**340:25-5-203.1. Collection from lottery prize winnings ITS ONLY**

- (a) Oklahoma Child Support Services (OCSS) files claims with the Oklahoma Lottery Commission against lottery prize winnings per Section 724.1 of Title 3A of the Oklahoma Statutes to collect:
  - (1) child support arrearages, child support judgments and interest thereon, past-due alimony, and judgments for child care costs and medical expenses; and
  - (2) overpayments established by OCSS per OAC 340:25-5-305 and 340:25-5-312.
- (b) OCSS files a claim for cases in which at least \$150 in past-due support or overpayment is owed.
- (c) Within five days after filing a claim with the Oklahoma Lottery Commission, OCSS sends a notice by regular mail to the noncustodial parent. The notice includes: ■-4
  - (1) that a claim has been filed with the Oklahoma Lottery Commission;
  - (2) the basis for the claim;
  - (3) that the noncustodial parent has the right to contest the claim by requesting in writing an administrative review within ten days of the date on the notice from OCSS; and
  - (4) that the administrative review is granted only on the grounds of:
    - (A) a mistake of identity; or
    - (B) the amount of arrearage or judgment is incorrect.
- (d) After the administrative review, OCSS issues a notice of administrative review decision and information about requesting an administrative hearing. The noncustodial parent may request in writing a hearing within 20 days after the date of the administrative review decision.
- (e) Upon timely receipt of a written request for an administrative hearing, OCSS schedules the matter for an administrative hearing before the Office of Administrative Hearings: Child Support (OAH). OAH conducts a hearing and enters an order determining the contested issues.
- (f) If the noncustodial parent settles the arrearage or judgment with OCSS before expiration of the 30-day administrative review period as per OAC 340:25-5-200.1, OCSS notifies the Oklahoma Lottery Commission in writing or by electronic media that the claim has been released.

## INSTRUCTIONS TO STAFF 340:25-5-203.1 [REVOKED]

- ~~1. Child support staff send notices to the noncustodial parent at the most recent address in the Oklahoma Support Information System (OSIS), whether the address has been verified.~~

## PART 33. INTERGOVERNMENTAL CASES

### 340:25-5-286. Tribal case referrals and transfers **ITS ONLY**

(a) **Legal basis.** When referring to or processing cases from a comprehensive tribal Title IV-D agency (tribal program), Oklahoma Department of Human Services Child Support Services (CSS) is governed by:

- (1) Section 1738B of Title 28 of the United State Code (28 U.S.C. § 1738B) ■ 1 and 42 U.S.C. §§ 654, 659A, and 666;
- (2) Part 302.36 of Title 45 of the Code of Federal Regulations (45 C.F.R. § 302.36) and 45 C.F.R. § 303.7;
- (3) the Uniform Interstate Family Support Act per Sections 601-100 through 601-903 of Title 43 of the Oklahoma Statutes (43 O.S. §§ 601-100 through 601-903); and
- (4) 56 O.S. § 240.9.

(b) **Scope.** Tribal programs provide child support services under applicable federal law and are governed by relevant tribal law as to their administrative processes and the jurisdiction of the tribal courts.

(c) **Intergovernmental case referrals.** CSS and tribal programs request assistance from each other by referring cases for full or limited services. ■ 2 & ~~3~~through 4

(1) **Outgoing referrals.** CSS may initiate an outgoing intergovernmental referral to a tribal program when CSS determines the noncustodial parent is within the tribal program's jurisdiction and it is not appropriate for CSS to use its one-state remedies to establish paternity or establish, modify, or enforce a support order in accordance with 45 C.F.R. 303.7 (c)(3 & 4). ■ 45 through 67 A separate case is maintained by CSS when an outgoing intergovernmental referral is sent to a tribal program.

(2) **Incoming referrals.** CSS accepts a referral from a tribal program in accordance with 45 C.F.R. § 303.7.

(d) **Program of choice and case transfer.** When an applicant on an existing CSS case completes a tribal program application that includes a request that CSS close its case, CSS may accept that as a request for transfer of its case to the tribal program and for closure of the CSS case. CSS refers the case for limited services and does not close its case, when:

- (1) state services are being provided or if there is unpaid assigned support; ■ 75
- (2) there is an active deprived or delinquent state juvenile court case; ■ 86 or
- (3) there is a pending paternity, establishment, or modification action filed with the court by CSS and the non-applicant was served, unless the pending action is withdrawn or dismissed. ■ 97

(e) **Registration of tribal child support orders.** CSS registers tribal child support orders in state courts per 28 U.S.C. § 1738B. ■ 1

## INSTRUCTIONS TO STAFF 340:25-5-286

Revised 09-16-199-15-21

1. The Full Faith and Credit for Child Support Orders Act (FFCCSOA) is located in Section 1738B of Title 28 of the United States Code. FFCCSOA requires courts of all United States territories, states, and tribes to accord full faith and credit to a child support order issued by another state or tribe that properly exercised jurisdiction over the parties and the subject matter. As described in the federal Office of Child Support Enforcement (OCSE) Action Transmittal AT-02-03, this includes registering, for enforcement or modification purposes, state child support orders in tribal courts or Courts of Indian Offenses. AT-02-03 is available from the OCSE website at <http://www.acf.hhs.gov/programs/cse/pol/AT/2002/at-02-03.htm>.
2. Oklahoma Human Services (OKDHS) Child Support Services (CSS) uses the terms case referral, case transfer, and case closure as described in OCSE Policy Interpretation Question Tribal (PIQT)-05-01 and PIQT-05-02. CSS staff never send the physical case file to any other Title IV-D program, including a tribal program. CSS staff send copies of requested documents.
- ~~23. Child Support Services (CSS) may send a limited services request to a comprehensive tribal Title IV-D program (tribal program) for:~~
  - (1) assistance to obtain service of process for a person who resides on tribal land;
  - (2) issuance of an Income Withholding Order for a noncustodial parent (NCP) who is employed with the tribe; or
  - (3) other extenuating case circumstances. Staff contacts tribal program CSS Center for Coordinated Programs tribal liaison to determine what services the tribe tribal program can provide before sending a limited services request.
- ~~3. When a child is the subject of a guardianship action in tribal court, CSS may seek assistance from the tribal Title IV-D program to coordinate efforts to establish or enforce a support order. If the tribal IV-D program will accept a referral or a tribal court has exclusive jurisdiction, CSS makes an outgoing referral. Otherwise, CSS proceeds with establishment and enforcement.~~
- ~~4. CSS uses the terms "case referral," "case transfer," and "case closure" as described in OCSE PIQT-05-01 and PIQT-05-02.~~
- ~~54. When the a CSS case qualifies to be referred to a tribal program is not from Oklahoma or using the Oklahoma Support Information System (OSIS) as its case management system, CSS staff initiates contacts the Center for Coordinated Programs tribal liaison to determine if the tribal program will accept the case. An When the tribal program accepts the intergovernmental referral on, the CSS tribal liaison updates the Oklahoma Information Support System (OSIS) Referral Add (REFA) screen using the assigned FIPS code. To find comprehensive tribal programs and tribal FIPS codes, CSS staff uses the OCSE Intergovernmental Reference Guide (IRG) at <https://extranet.acf.hhs.gov/irg/welcome.html> with the 'TIG' office code and completes the referral. When the referral is complete the district office staff sends the physical case file to the CSS State Office tribal liaison.~~

- ~~6. When a referral is being made to a tribal program, CSS staff contacts the tribal program to determine what is required before a referral is made. The referral process depends on whether the tribal program is using OSIS. When a tribal program is:~~
- ~~(1) not using OSIS, CSS staff makes all appropriate intergovernmental updates in OSIS including, but not limited to, the OSIS REFA and CSLOGA screens; or~~
  - ~~(2) using OSIS as its case management system, CSS staff changes the office code to the appropriate tribal numeric office code and documents case actions on the OSIS CSLOGA screen.~~
- ~~75. Unless otherwise provided by state law or the Code of Federal Regulations, "state services," for the purpose of determining that CSS may not close a case when a party applies for tribal Title IV-D services, include when:~~
- ~~(1) Temporary Assistance for Needy Families (TANF)~~
  - ~~(2) SoonerCare (Medicaid), other than child-only SoonerCare; or~~
  - ~~(3) Child Care subsidy programs CSS may not close a case when TANF is being provided.~~
- ~~86. CSS retains a CSS child support case when there is a deprived or delinquent state juvenile court action and OKDHS is expending Title IV-E or non-Title IV-E funds, even when the child is placed in the custody of a tribal member. CSS may coordinate with an Oklahoma tribal program when CSS determines the NCP is within a tribal program's jurisdiction and it is not appropriate for CSS to use its one-state remedies to establish paternity and establish, modify, or enforce a support order.~~
- ~~97. The CSS state's attorney Center for Coordinated Programs tribal liaison communicates with the tribal program to coordinate CSS district office on whether legal actions should be are completed or dismissed by or continue to an agreed point of resolution CSS.~~

## PART 37. RECOVERY

### **340:25-5-305. Overpayment and recovery policies**

Revised ~~09-16-199-15-21~~

- (a) **Legal authority.** Oklahoma Department of Human Services ~~DHS~~ OKDHS, Child Support Services (CSS) recovers CSS overpayments, per Title IV, Part A of Subchapter IV of Chapter 7 of Title 42 of the United States Code; Section 109.5 of Title 43 of the Oklahoma Statutes (43 O.S. § 109.5); and 56 O.S. §§ 171, 185, and 231 through 244.
- (b) **Purpose.** The rules in this Part:
- (1) establish CSS policies and procedures used to recover CSS overpayments to custodial persons (CPs), noncustodial parents (NCPs), and other entities; and
  - (2) resolve payment disputes arising from overpayments.
- (c) **Overpayment recipient and categories.** An overpayment means a CSS payment to a CP, NCP, or other entity to which the entity or person is not entitled. The recipient of the overpayment owes the amount to CSS, acting on behalf of the state of Oklahoma. Categories of overpayments are described in (1) through (3) of this subsection.
- (1) Retained support occurs when the CP kept support payment(s) in violation of the

assignment of support rights.

(2) Erroneous payment occurs when CSS incorrectly paid money to a CP, NCP, or other entity, or failed to retain money assigned to Oklahoma because of an administrative error.

(3) Bad debt occurs when:

(A) the funding for a payment made by CSS to a CP or NCP is subsequently withdrawn when a tax intercept or other collection is revoked;

(B) a check or other payment instrument received by CSS from an NCP or other payor on behalf of the NCP is dishonored after a payment was made to the CP; or

(C) CSS issues a payment to a CP based on an incorrect arrearage balance or an incorrect allocation of a payment.

**(d) Overpayment recovery.**

(1) CSS may use any legal remedy to recover overpayments including, but not limited to:

(A) voluntary payments;

(B) state income tax refund intercepts, per 68 O.S. § 205.2; and

(C) lottery prize claims, per 3A O.S. § 724.1.

(2) When an overpayment resulted in whole or in part from false or misleading statements, concealed information, willful misrepresentation, or when fraud is otherwise suspected, CSS reports the information to the ~~DHS~~ OKDHS Office of Inspector General for appropriate action. Action may include, but is not limited to, investigation and criminal prosecution. ■ 1 & 2

(3) In active Temporary Assistance for Needy Families (TANF) cases, when a TANF recipient retains child support receipts, CSS may make a noncooperation referral to Title IV-A staff. CSS recovers overpayments from TANF customers through voluntary payments, state income tax refund intercepts, and lottery prize claims.

**(e) Recovery amount.**

(1) In order to recover child support overpayments, CSS retains 25 percent of monthly, current support payments collected for the recipient and retains the total amount of any arrearage payments collected at any time until the overpayment is recovered in full. The percent retained can be changed:

(A) at the CSS director's discretion; or

(B) when the CSS Center for Finance and Budget determines the overpayment was a result of fraud by the CP.

(2) When the CP received his or her full monthly support payment in the same month as an overpayment, CSS retains the full amount of any subsequent payments for that month up to the amount of the overpayment. CSS satisfies any remaining overpayment as set forth in (1) of this subsection.

**(f) Notice and administrative review.**

(1) CSS sends a notice of overpayment and recovery to the overpayment recipient. The notice includes the overpayment amount, payment withholding and collection remedies, and instructions for requesting an administrative review and hearing, per ~~OAC~~ Oklahoma Administrative Code 340:25-5-200.1.

(2) The administrative review provides an opportunity for the overpayment recipient to offer new or additional information regarding the amount of the overpayment.

After the review, CSS issues a notice of administrative review decision.

(g) **Limits to overpayment recovery.**

(1) The CSS Center for Finance and Budget completes a case review on the balances owed to a custodial person prior to disbursing an overpayment. ■ 3

~~(1)~~(2) CSS is not responsible for creating or recovering overpayments for:

(A) non-Title IV-D time periods when non-Title IV-D cases convert to Title IV-D cases; or

(B) time periods when:

(i) CSS collected under a court order that was later vacated or after the case was dismissed; ■ 34

(ii) the parties failed to provide CSS with verification of a change in physical custody of the child;

(iii) CSS collected under a court order that was later modified; or ■ 3 & 4 & 5

(iv) CSS collected under a court order and the child was adopted; or

(C) time periods when cash medical support was distributed to a CP and the Oklahoma Health Care Authority retroactively certifies medical assistance.

~~(2)~~(3) When a child support modification order is effective back to the date the motion to modify was filed and the modified support amount is less than the amount previously ordered and paid, CSS satisfies the amount due when the NCP owes past-due child support, by offsetting the arrears amount, up to the balances currently owed.

~~(3)~~(4) CSS does not charge, collect, or pay interest on overpayments.

(h) **Issuance of refunded amounts.** When an NCP makes an overpayment, amounts less than \$3 are not refunded unless issued on an Electronic Benefits Transfer (EBT) card. Amounts less than \$3 and not issued on an EBT card are remitted to the ~~DHS~~ OKDHS General Revenue Fund Treasury.

(i) **Return of excess support amounts.** When CSS receives a payment in excess of the NCP's total arrears balance, CSS returns the excess amount to the payor within 45-calendar days after discovering the over collection; ■ 56

(j) **Payments made in error.** When CSS receives a payment made due to an error on the part of the payor that was not disbursed, CSS returns it to the payor within 45-calendar days after discovery. CSS is not required to correct, redirect, or recover the payment unless it was retained;

(k) **Payments that cannot be disbursed to a party.**

(1) CSS applies support collections to other applicable balances associated with the NCP, such as assigned state balances or balances owed to another CP, when the:

(A) CP's address is unknown;

(B) CP fails to activate the debit card; or

(C) debit card is returned to the vendor,

(2) CSS remits a payment to the ~~DHS~~ OKDHS General Revenue Fund Treasury, when the payment cannot be:

(A) disbursed to a CP;

(B) applied to assigned state balances associated with an NCP;

(C) disbursed to the NCP, when the:

(i) address is unknown;

(ii) debit card is not activated; or

- (iii) debit card is returned to the vendor; or
- (D) returned to the payor.

**INSTRUCTIONS TO STAFF 340:25-5-305**

**Revised ~~09-16-199~~-15-21**

1. (a) ~~Oklahoma Department of Human Services (DHS)~~ (OKDHS) Child Support Services (CSS) staff reports to the ~~DHS~~ OKDHS Office of Inspector General (OIG) cases, when the overpayment recipient:
  - (1) improperly received at least \$500;
  - (2) had no judgments for recovery of the overpayment;
  - (3) had a last incident of fraud no older than two and one-half years from the date of the fraud report; and
  - (4) resides in Oklahoma.(b) OIG evaluates a referral involving an out-of-state overpayment recipient on a case-by-case basis.
2. CSS staff reports fraud to OIG on Form 19MP001E, Referral Form, with documentation evidencing the fraud, including original documents when available.
3. When an overpayment is in excess of \$500, Center for Finance and Budget (CFB) staff does not refund prior to a review of the case facts to determine if a refund is appropriate.
  - (1) Prior to informing the parties of a potential refund and possible overpayment CSS district office staff does a review and decides if a hearing is needed.
    - (A) CSS district office staff reviews the reason for the overpayment that may include:
      - (i) reviewing caselog to see if the parties are calling in about issues on the case. For example, an incorrect emancipation date or the noncustodial parent (NCP) has child and child support should not be accruing; or
      - (ii) contacting the parties regarding any waivers or private agreements.
    - (B) CSS district office may contact CFB or the Center of Operations for guidance on next appropriate steps.
    - (C) CSS staff sets a hearing to determine the arrears or overpayment when the CSS states attorney decides it is appropriate.
  - (2) When the district office review or hearing is complete, CSS district office staff:
    - (A) requests CFB review the overpayment through a Finance Action Request referenced in the Consistent Excellence (CE) Overpayment Guide; and
    - (B) provides all relevant documents, including court orders for overpayments and facts.
34. When CSS staff was notified of a change in the child support order and failed to update the Oklahoma Support Information System (OSIS), CSS refunds the amount to the payor and recovers the overpayment.



**45.** When the CSS call center sends a For Your Information (FYI) message to a district office advising of a child support order obtained or modified without CSS involvement, CSS staff attempts to obtain a copy of the new order from the parties or court records.

**56.** Collections for future support are not excess support amounts.

**340:25-5-328. Recovery of overpayments from other entities [ITS Only]**

If an agency, agent, or entity of the State of Oklahoma or another state owes the overpayment, the Child Support Enforcement Division may collect the amount of overpayment without notice or providing the opportunity to object. ■ 1

**INSTRUCTIONS TO STAFF 340:25-5-328**

**Revised 07-01-069-15-21**

**1. The Oklahoma Human Services Child Support Enforcement Division (CSED) Services (CSS) staff initially contacts the entity in an attempt to recover the overpayment. If When that is unsuccessful, CSED CSS follows the process in OAC 340:25-5-312 Oklahoma Administrative Code 340:25-5-305.**

**PART 38. IV-D AND NON-IV-D CENTRAL CASE REGISTRY INFORMATION**

**340:25-5-340. Collection and maintenance of addresses of record [ITS Only]**

(a) **Scope and authority.** Section 112A of Title 43 of the Oklahoma Statutes (43 O.S. § 112A) provides the basis for Oklahoma Department of Human Services (DHS) Child Support Services (CSS) to collect and maintain an address of record (AOR) for:

- (1) parties and custodial persons (CP) subject to paternity orders or child support orders entered in Oklahoma;
- (2) noncustodial parents (NCP) per 56 O.S. § 237A and Oklahoma Administrative Code 340:25-5-213;
- (3) parties and CPs subject to paternity orders or child support orders entered in other jurisdictions; and
- (4) parties and CPs when voluntarily submitted.

(b) **Establishment of AOR.**

(1) CPs and NCPs establish the initial AOR through: ■ 1-3through4

- (A) completion of Form 03EN008E, Child Support Services - Address of Record and/or Family Violence Statement;
- (B) designation in form 03EN001E, Application for Child Support Services;
- (C) a court order; or
- (D) a support order summary form when services are not provided under the DHS state Title IV-D plan per 56 O.S. § 237.

(2) When an AOR is established, it remains in effect until it is updated per (c) of this Section. ■ 23 & 45

(c) **Updating an AOR.**

(1) A person responsible for maintaining an AOR, on file with CSS per 43 O.S. § 112A or 56 O.S. § 237A must notify CSS of any change in the AOR within 30-calendar days. The person may send changes to CSS, Central Case Registry, PO Box 248843, Oklahoma City, Oklahoma 73124-8843 or to a district child support

office. CSS may require proof of a person's identity before establishing or changing a person's name or the AOR and may attempt to verify or confirm the correctness of the AOR. ■ 56

(2) A CP updates an AOR:

(A) by submitting a new AOR in writing; ■ 34

(B) by calling CSS customer service at 405-522-2273 in the Oklahoma City calling area, 918-295-3500 in the Tulsa calling area, or toll-free at 1-800-522-2922. CSS updates the mailing address by phone. CSS sends Form 03EN008E, Address of Record and/or Family Violence Statement, in confirmation of the mailing address update and for the CP to complete and return an updated AOR or claim family violence; or

(C) through a court order.

(3) An NCP updates an AOR:

(A) by submitting a new AOR in writing; or ■ 34

(B) through a court order.

#### **INSTRUCTIONS TO STAFF 340:25-5-340**

**Revised ~~09-15-179~~-15-21**

- 1. Oklahoma Department of Human Services Child Support Services (CSS) staff does not establish or update the custodial person's address of record (AOR) based only on an Annual Notice proceeding.**
- 2. CSS staff does not establish an initial AOR or update an AOR through a default court order as to the defaulting custodial person (CP) or noncustodial parent (NCP).**
- 23. When a child support case closes or subsequently reopens the established AOR remains in effect. An AOR is updated on a closed case per subsection (c) of this rule.**
- 34. A case participant designates or changes an AOR by completing and submitting Form 03EN008E, Child Support Services - Address of Record and/or Family Violence Statement, or another document approved by the managing attorney that provides appropriate notice regarding the purposes of the AOR.**
- 45. When CSS is serving a party by regular mail to the AOR, CSS staff:
  - (1) sends copies of all pleadings and orders to the AOR and all other current addresses; and
  - (2) does not include non-AOR addresses on the pleadings, orders, or certificates of service.**
- 56. When a party to a case obtains a new name and Social Security number due to domestic violence, CSS staff consults the CSS Family Violence Coordinator in the Center for Planning and Development for guidance on how to proceed.**